SOEME TO SOUTH

BALLISTIC MISSILE DEFENSE

FY96 FUNDING AND LANGUAGE TRACK



BALLISTIC MISSILE DEFENSE ORGANIZATION

JANUARY 1996

DTIC QUALITY INSPECTED 4
PLEASE RETURN 10:

BMD TECHNICAL INFORMATION CENTER BALLISTIC MISSILE DEFENSE ORGANIZATION 7100 DEFENSE PENTAGON WASHINGTON D.C. 20301-7100

19980309 028

U6013

Accession Number: 6013

Publication Date: Jan 01, 1996

Title: Ballistic Missile Defense FY96 Funding and Language Track

Corporate Author Or Publisher: BMDO, The Pentagon, Washington, DC 20301

Descriptors, Keywords: BMDO Ballistic Missile Defense FY96 Funding Language Track Budget

Pages: 00456

Cataloged Date: Feb 08, 1996

Document Type: HC

Number of Copies In Library: 000001

Record ID: 40630

BALLISTIC MISSILE DEFENSE

FY96 FUNDING AND LANGUAGE TRACK

BALLISTIC MISSILE DEFENSE ORGANIZATION

JANUARY 1996

Conference committee report language, unless specifically addressed in the conference report statutory language is the final word. However, all report language, including Note: all bill language is superseded by conference statutory language. remains in effect.

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING



FY 96 AUTHORIZATION FUNDING TRACK TY \$ IN MILLIONS

Authorization Authorization Request	FY 95 Authorization	FY 96 Budget Request	HNSC Sub Committee	HNSC Full Committee	House Floor	SASC Sub Committee	SASC Full Committee	Senate Floor	Authorization Conference
Date Of Event		6 FEB 95	23 MAY 95	24 MAY 95	15 JUN 95	29 JUN 95	30 JUN 95	6 SEP 95	22 JAN 96
RDT&E									
• TMD	1,698.992	1,713.341	1,911.341	1,911.341	1,911.341	1,968.338	1,968.338	1,968.338	1,951.780
- BPI	40.000	49.061	29.061	29.061	29.061	0.000	0.000	0.000	0.000
- Corps SAM (MEADS)	14.971	30.442	20.442	20.442	20.442	0000	0.000	35.000**	20.442
- HAWK	26.800	23.188	23.188	23.188	23.188	23.188	23.188	23.188	23.188
- Navy Lower Tier	139.676	237.473	282.473	282.473	282.473	282.473	282.473	282.473	282.473
- Navy Upper Tier	68.450	30.442	200.442	200.442	200.442	200.442	200.442	200.442	200.442
- Other TMD	386.368	460.470	423.470	423.470	423.470	475.470	475.470	475.470	438.470
- PAC-3	276.283	247.921	247.921	247.921	247.921	352.421	352.421	352.421	352.421
- PAC-3 Risk EMD	74.000	19.485	19.485	19.485	19.485	19.485	19.485	19.485	19.485
- THAAD System	651.901	576.327	626.327*	626.327*	626.327*	576.327	576.327	576.327	576.327
- TMD BM/C3	20.543	38.532	38.532	38.532	38.532	38.532	38.532	38.532	38.532
• NMD	386.988	370.621	820.621	820.621	820.621	670.621	670.621	670.621	820.621
 Support Technology 	218.407	172.695	172.695	172.695	172.695	242.695	242.695	242.695	222.695
Management Support	163.206	185.542	165.542	165.542	165.542	155.542	155.542	155.542	155.542
Total RDT&E	2,467.593	2,442.199	3,070.199	3,070.199	3,070.199	3,037.196	3,037.196	3,037.196	3,150.638
Procurement								٠	
• HAWK	3.804	5.106	5.106	5.106	5.106	5.106	5.106	5.106	5.106
• TMD BM/C3	0.000	32.242	32.242	32.242	32.242	32.242	32.242	32.242	32.242
• PAC-3	253.272	399.463	399.463	399.463	399.463	294.963	294.963	294.963	294.963
 Navy Lower Tier 	14.394	16.897	16.897	16.897	16.897	16.897	16.897	16.897	16.897
Total Procurement	271.470	453.708	453.708	453.708	453.708	349.208	349.208	349.208	349.208
MILCON									
• NMD	0.530	0.832	0.832	0.832	0.832	0.832	0.832	0.832	0.832
Other TMD	0.000	2.577	2.577	2.577	2.577	2.577	2.577	2.577	2.577
THAAD System	0.000	13.600	13.600	13.600	13.600	13.600	13.600	13.600	13.600
Total MILCON	0.530	17.009	17.009	17.009	17.009	17.009	17.009	17.009	17.009
BMDO Total	2,739.593	2,912.916	3,540.916	3,540.916	3,540.916	3,403.413	3,403.413	3,403.413	3,516.855
SMTS	120.000	114.800	249.800	249.800	249.800	249.800	249.800	249.800	249.800

Includes \$50M For THAAD EMD **\$35M MEADS Plus-up Not Included In BMDO Total

mj-50797A / 121495



FY 96 APPROPRIATION FUNDING TRACK TY \$ IN MILLIONS

Appropriation	FY 95 Appropriation	FY 96 Budget Request	HAC Sub Committee	HAC Full Committee	House Floor	SAC Sub Committee	SAC Full Committee	Senate Floor	Appropriation Conference***
Date Of Event		6 FEB 95	20 JUL 95	25 JUL 95	7 SEP 95	7 SEP 95	28 JUL 95	6 SEP 95	17 NOV 95
RDT&E									
• TMD	1,698.992	1,713.341	1,882.280	1,882.280	1,882.280	1,968.338	1,968.338	1,968.338	1,951.780
- BPI	40.000	49.061	0.000	0.000	0.000	0.000	0.000	0.000	0.000
- Corps SAM (MEADS)	14.971	30.442	20.442	20.442	20.442	0.000	0000	35.000**	20.442
- HAWK	26.800	23.188	23.188	23.188	23.188	23.188	23.188	23.188	23.188
- Navy Lower Tier	139.676	237.473	282.473	282.473	282.473	282.473	282.473	282.473	282.473
- Navy Upper Tier	68.450	30.442	200.442	200.442	200.442	200.442	200.442	200.442	200.442
- Other TMD	386.368	460.470	423.470	423.470	423.470	475.470	475.470	475.470	438.470
- PAC-3	276.283	247.921	247.921	247.921	247.921	352.421	352.421	352.421	352.421
- PAC-3 Risk EMD	74.000	19.485	19.485	19.485	19.485	19.485	19.485	19.485	19.485
- THAAD System	651.901	576.327	626.327*	626.327*	626.327*	576.327	576.327	576.327	576.327
- TMD BM/C ³	20.543	38.532	38.532	38.532	38.532	38.532	38.532	38.532	38.532
• NMD	386.988	370.621	820.621	820.621	820.621	670.621	670.621	670.621	745.621
Support Technology	218.407	172.695	172.695	172.695	172.695	242.695	242.695	242.695	222.695
Management Support	163.206	185.542	165.542	165.542	165.542	155.542	155.542	155.542	155.542
Total RDT&E	2,467.593	2,442.199	3,041.138	3,041.138	3,041.138	3,037.196	3,037.196	3,037.196	3,075.638
Procurement									
• HAWK	3.804	5.106	5.106	5.106	5.106	5.106	5.106	5.106	5.106
• TMD BM/C ³	0.000	32.242	32.242	32.242	32.242	32.242	32.242	32.242	32.242
• PAC-3	253.272	399.463	399.463	399.463	399.463	294.963	294.963	294.963	294.963
Navy Lower Tier	14.394	16.897	16.897	16.897	16.897	16.897	16.897	16.897	16.897
Total Procurement	271.470	453.708	453.708	453.708	453.708	349.208	349.208	349.208	349.208
MILCON									
• NMD	0.530	0.832	0.832	0.832	0.832	0.832	0.832	0.832	0.832
Other TMD	0000	2.577	2.577	2.577	2.577	2.577	2.577	2.577	2.577
THAAD System	0.000	13.600	13.600	13.600	13.600	13.600	13.600	13.600	13.600
Total MILCON	0.530	17.009	17.009	17.009	17.009	17.009	17.009	17.009	17.009
BMDO Total	2,739.593	2,912.916	3,511.855	3,511.855	3,511.855	3,403.413	3,403.413	3,403.413	3,441.855
SMTS	120.000	114.800	214.800	214.800	214.800	249.800	249.800	249.800	249.800
		M COLUMNIA MEN DING DING NA	ot Included in BMOO Total	MINO Total	***Bacame DI	***Became PI 104-61 1 DEC 95	يي	!	

***Became PL104-61 1 DEC 95 * includes \$50M For THAAD EMD **\$35M MEADS Plus-up Not Included In BMDO Total

mj-55302 / 120695

REPORTS REQUIRED

SEC. 4 EXTENSION OF TIME FOR SUBMISSION OF REPORT FY96 DOD AUTHORIZATION CONFERENCE REPORT (H.REPT. 104-450)

Sec. 4 EXTENSION OF TIME FOR SUBMISSION ON REPORT

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of --

- (1) the date established for submittal of the report in such provision or amendment; or
- (2) the date that is 45 days after the date of the enactment of this Act.

REPORTS REQUIRED BY FY96 LEGISLATION

REPORT	DATE DUE
SecDef report on SBIR program baseline (Sec. 216)	60 days after date of enactment
TMD architecture for each core and follow-on program (Sec. 234)	Part of annual report
Certification on compliance of TMD systems (Sec. 234)	30 days after date certification issued
Detailed plan for carrying out cruise missile defense (Sec. 274)	Submitted with FY97 budget
Summarizing various studies on Navy Upper Tier	March 1, 1996
Options to satisfy the Corps SAM requirement with existing systems	Not more than \$15M until report
Summarizing findings & recommendations of BPI report	February 1, 1996
Outlining a funding and program profile for SBL	March 1, 1996
SecDef/CJSC review of U.S. TMD plans and long-term affordability	March 15, 1996
May not proceed with Follow-On TMD systems beyond Dem/Val	Prior to entering EMD
unless system is designated as part of core program (Sec. 234)	
Review of THAAD acquisition plan	March 15, 1996
Management & funding responsibilities for Navy Lower Tier	February 15, 1996
Certifying Arrow MOU has been signed	No funds obligated until certification
Annual Report	March 15, 1996

TABLE OF CONTENTS

ITLE	PAGE
allistic Missile Defense Funding	•
heater Missile Defense	41
Theater High Altitude Area Defense (THAAD)	79
Navy Upper Tier	91
Navy Lower Tier	103
MEADS/CORPS SAM	113
Patriot Advanced Capability (PAC-3)	127
Boost-Phase Intercept	137
Arrow/Israeli Programs	147
Extended Airborne Global Launch Evaluation (EAGLE)	155
ruise Missile Defense	159
attlefield Management/Command, Control, Communications &	173
Intelligence (BM/C3)	
ational Missile Defense	179
fissile Defense Testing	219
BM Treaty	239
ollow-On Technologies	267
fissile Defense Act	283
epeal of Missile Defense Act Provisions	401
llied Cooperation	409
filitary Constructionfilitary Construction	419
ederally Funded Research & Development Centers (FFRDCs)	425
pace-Based Infrared System (SBIR)	439
ligh Energy Laser Test Facility (HELSTF)	453

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

U Z
Z
$\overline{\Box}$
Ī
ラ
Щ
Z
0
IZATI (
<
<u>N</u>
Z
⋖
©
Ĕ
O
Й
9
回
EFE
DEFE
Ш
S
MISSI
\sum
\mathbf{O}
$\stackrel{\sim}{\vdash}$
က
耳
₩ X
B

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Bill Language

Page 36

S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language

Senate FY96 DoD Authorization Bil

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.

(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).

subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).

the following program elements:

MENTS.

(a) Elements Specified.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with

BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)	SE ORGANIZATION (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36	Bill Language Page 66
(10) Medium Extended Air Defense.	(b) TREATMENT OF NON-CORE TMD IN OTHER
(11) Any theater missile defense program or na-	THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—
tional missile defense program which the Department	Funding for theater missile defense programs, projects,
of Defense initiates after the date of the enactment of	and activities, other than core theater missile defense pro-
this Act.	grams, shall be covered in the "Other Theater Missile De-
(d) VARIANCE REPORTING REQUIREMENTS.—(1) In	fense Activities" program element.
the annual report under this section, the Secretary shall de-	(c) TREATMENT OF CORE THEATER MISSILE DE-
scribe, with respect to each program covered in the report,	FENSE PROGRAMS.—Funding for core theater missile de-
any difference in the technical milestones, program schedule	fense programs specified in section 234, shall be covered
milestones, and costs for that program—	in individual, dedicated program elements and shall be
	available only for activities covered by those program ele-
	ments.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language Page 36

- (A) compared with the information relating to that program in the report submitted in the previous year; and
- (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.
- (2) Paragraph (1)(A) shall not apply to the first report submitted under this section.
- (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than

Bill Language Page 66

- (d) BM/C3I Programs.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.
- element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 66		
BALLISTIC MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 36	30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act. SEC. 241. BALLISTIC MISSILE DEFENSE FUNDING FOR FISCAL YEAR 1996.	Of the amounts authorized to be appropriated pursu-

ant to section 201 for fiscal year 1996 or otherwise made

available to the Department of Defense for fiscal year 1996,

not more than \$3,070,199,000 may be obligated for Ballistic

Missile Defense programs.

SILE DEFENSE FUNDING (CONTINUED) INT ON THE BATTLEFIELD INTEGRATION CENTER	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 37 & 38	SEC. 201. AUTHORIZATION OF APPROPRIATIONS.	Funds are hereby authorized to be appropriated for fis-	cal year 1996 for the use of the Department of Defense for	research, development, test, and evaluation as follows:	(1) For the Army, \$4,845,097,000.	(2) For the Navy, \$8,624,230,000.	(3) For the Air Force, \$13,087,389,000.	(4) For Defense-wide activities, \$9,533,148,000,	of which—	(A) \$239,341,000 is authorized for the ac-	tivities of the Director, Test and Evaluation;		
——————————————————————————————————————	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language													

				•		1	6
E FUNDING (CONTINUED) SATTLEFIELD INTEGRATION CENTER Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 37 & 38	(B) \$22,587,000 is authorized for the Direc-	(C) \$475,470,000 is authorized for Other	Theater Missile Defense, of which uv to \$25,000,000 may be made available for the oper-	ation of the Battlefield Integration Center.		
BALLISTIC MISSILE DEFENSE FUNDING (CONTINUED) SHELBY (R-AL) AMENDMENT ON THE BATTLEFIELD INTEGRATION CENTER House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-11	Bill Language						

BALLISTIC MISSILE DEFENSE FUNDING (CONT)	Senate FY96 DOD Authorization 5111 S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language	See <u>Missile Defense Act</u> section for Nunn floor amendment on the Missile Defense Act (September 5, 1995)			. •	
BALLISTIC MISSILE DEF	House FY96 DOD Authorization Bill						

Report Language Page 145

SECTION 236—BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

Report Language Page 121

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Ballistic Missile Defense Program Elements

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

Ballistic missile defense funding

The fiscal year 1996 budget request for the Ballistic Missile Defense Organization (BMDO) was \$2.9 billion, including research, development, test and evaluation (RDT&E), procurement, and military construction. The committee recommends a total BMDO authorization of \$3.4 billion, an increase of \$490.0 million over the request. The committee notes that this funding level is approximately \$136.0 million lower than the amount recommended for fiscal year 1996 by the Clinton Administration's own Bottom-Up Review, and approximately \$4.0 billion lower than the amount recommended for fiscal year 1996 in the last budget submitted by the Bush Adminis-

The committee recommends the following budget allocation:

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language

Report Language Page 128-130

OVERVIEW OF BALLISTIC MISSILE DEFENSE PROGRAMS

The budget request contained \$2,442.2 million in research, development, test, and evaluation, \$453.7 million for procurement, and \$17.009 million for military construction, for a total budget request of \$2,912.9 million for ballistic missile defense (BMD).

The proliferation of ballistic missiles and weapons of mass destruction poses a significant threat to the United States, U.S. millitary forces, and U.S. global interests. The committee is concerned, however, that current Department of Defense policies and programs are not aggressive enough in responding to this threat.

For example, although the Secretary of Defense's February 1995. "Annual Report to the President and the Congress" noted that "ballistic missiles are clearly becoming a common battlefield weapon," the President's budget request for theater missile defense (TMD) is approximately thirty percent less than spending levels recommended by the previous Administration. As a result, several of the most promising TMD concepts, such as the Navy's "Upper Tier" program and the Army's Theater High Altitude Area Defense (THAAD) system, have been delayed.

The Administration's program for national missile defense—a defense of the American homeland—is even more worrisome. There is currently no commitment to deploy a national missile defense. In fact, the Department presently plans to spend over eighty percent less for national missile defense programs than the previous Administration—approximately \$500 million per year over the next five years.

Offitions of defini

Program	Request	Share	Recommends- tion
Patriot System*	666.9	+ 45.0	666.9 299.4
THAND** Navy Upper Tier	589.9 30.4	+170.0	
Hawk Upgrade*	25		25
C0793 SAM	49.1	167	
WND**	371.5	+300.0	671.5
Nanagement	185.5	- 30.0	158.
Total BMD0	2,912.9	+490.5	3,403,4

Includes ROTSE and Procurement
**Includes ROTSE and Military Construction

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language Page 128-130

The Administration's decision to abandon plans to deploy a national missile defense is particularly disturbing in light of the range of present and potential missile threats to the United States. Both Russia and China today maintain and are aggressively modernizing nuclear forces capable of destroying American cities. For Russia this includes production of follow-ons to the SS-25 intercontinental ballistic missile (ICBM) and SS-N-20 sca-launched ballistic missile (SLBM). China is producing two types of longrange ICBMs with ranges of approximately 7,000 kilometers and 10,000 kilometers respectively, as well as other strategic systems. Moreover, various "rogue regimes" are seeking a capability to attack the United States using ballistic missiles.

According to senior U.S. intelligence officials, it may not take long for an outlaw regime to acquire such a capability. For instance, on January 10, 1995, the Defense Intelligence Agency Director, Licutenant General James Clapper, testified that North Korange to reach targets in Alaska. On January 18, 1995, the then-Acting Director of Central Intelligence, Admiral William Studeman, testified that the proliferation of technology will lead to missiles "that can reach the United States toward the end of this decade and the beginning of [the next] century." Former Director of Central Intelligence R. James Woolsey has testified that the covert purchase of missiles would provide a "shortcut approach" that may lessen the time it takes to place the United States directly at risk. In addition, he stated that "the acquisition of key production tech-

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S, 1026; Sen. Rept. 104-112 (7/12/95)

Report Language

Report Language Page 128-130

nologies and technical expertise would speed up ICBM develop-

Today, more than 25 countries have or are developing weapons of mass destruction, including nuclear, chemical, and biological weapons. More than 15 countries now possess ballistic missiles, which can be used to deliver these weapons to their targets hundreds or thousands of miles away.

Because of their perceived military and political importance, bal-Because of their perceived military and political importance, ballistic missiles are also becoming a orquire ballistic missiles reasonable to assume that the desire to acquire ballistic missiles has been enhanced by the inability to defend against them. Effective theater and national ballistic missile defenses can raise the cost and lower the attraction of ballistic missiles to a would-be proliferant by reducing their effectiveness. Missile defenses also provide a hedge against the use of such weapons in the event traditional nonproliferation efforts (e.g., arms control, export controls, sanctions) fail to prevent proliferation. By providing an "insurance policy" against the use of these weapons, missile defenses could dampen incentives to act for react) precipitously in a crisis and could promote the formation of regional defensive alliances that reduce the risk that individual member states will be "held hostage" to the threat of attack.

In addition, the committee is concerned about the possible indigenous development or sale to third parties of space launch vehicles, which can be rapidly converted with little or no warning and minor modifications to ICBMs capable of delivering nuclear, chemical or biological warheads against American cities. According to a 1992 biological warheads against American cities. According to a 1992 biological warheads against American cities. According to a 1992 biological programs, "India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States."

House FY96 DoD Authorization Bill

H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language Page 128-130

Any booster with the capability to lift a payload into orbit can also be used to deliver weapons of mass destruction on targets tee notes with concern continuing reports that Russia is attempting to market its "Start-1" and "Start-2" systems, which are modified versions of the SS-25 ICBM, as space launch vehicles. The purstates may seek to circumvent existing controls on the transfer of thousands of miles away. Through the purchase of space launch vehicles, a nation can acquire a threatening ballistic missile capability under the guise of peaceful activity. In this regard, the commitchase of space launch vehicles is one route by which proliferant missile technology.

cruization program that adequately supports the requirements of Given the growing ballistic missile threat, the committee is convinced that deployment of affordable, effective theater and national the national military strategy. The committee's views on missile and ballistic missile defense and strategic stability are contained in defense as an element of broader U.S. counterproliferation policy. missile defense systems is an essential objective of a defense modsection 236 of the bill.

ommends several provisions, as well as the following guidance, to strengthen the U.S. response to the missile proliferation threat. In response to the concerns outlined above, the committee rec-

Funding

more timely manner. Specifically, the committee recommends a total of \$3.540.9 million for activities of the Ballistic Missile Defense Organization (BMDO) in fiscal year 1996, an increase of \$625. The committee supports increased investment in BMD in order to deal with present and postulated ballistic missile threats in a million over the request of \$2.912.9 million.

Report Language

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

BALLISTIC MISSILE DEFENSE FUNDING (CONT

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Page 43

SEC. 224. REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REPORT REQUIREMENT.—Not later than March 15, 1996, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996: (b) DESCRIPTION OF REDUCTIONS.—The reductions for research,

(1) General reductions.

(2) Reductions to reflect savings from revised economic as-

sumptions

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers. (4) Reductions for savings through improved management

of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

(1) the date established for submittal of the report in such

provision or amendment; or

(2) the date that is 45 days after the date of the enactment

Report Language **Page 714**

Requirement for report on reductions in research, development, test, and evaluation (sec. 225)

tion of the following reductions in research, development, test, and evaluation required by the Department of Defense Appropriations Act of 1996: (1) general reductions; (2) reductions to reflect savings ters; and (4) reductions for savings through improved management The conferees agree to a provision that requires the Under Secretary of Defense (Comptroller) to submit a report to the congresfrom revised economic assumptions; (3) reductions to reflect the funding ceiling for federally funded research and development cenof contractor automatic data processing cost charged through indisional defense committees by March 15, 1996 detailing the allocarect rates on Department of Defense acquisition contracts.

BALLISTIC MISSILE DEFENSE FUNDING (CONT

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Page 53

SEC. 251. BALLISTIC MISSILE DEPENSE PROGRAM ELEMENTS.

- budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic (a) Elements Specified.—In the budget justification materials submitted to Congress in support of the Department of Defense Missile Defense Organization shall be set forth in accordance with
- the following program elements:
 (1) The Patriot system.
 (2) The Navy Lower Tier (Area) system.
 (3) The Theater High-Altitude Area Defense (THAAD) system.
 - (4) The Navy Upper Tier (Theater Wide) system. (5) The Corps Surface-to-Air Missile (SAM) system.
 - (6) Other Theater Missile Defense Activities. (7) National Missile Defense.
 - National Missile Defense.
- (8) Follow-On and Support Technologies.
- grams specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such pro-TREATMENT OF CORE THEATER MISSILE DEFENSE PRO-GRAMS.—Amounts requested for core theater missile defense proby those programs shall be available only for activities covered gram eleme**nt**s.
- cluded in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved. (c) BM/C³I Programs.—Amounts requested for programs, communications, and intelligence (BM/C3I) shall be incommand projects, and activities involving battle management, control,

Report Language Page 704-709

Ballistic missile defense funding and programmatic guidance

Missile Defense Organization (BMDÓ), including \$2,442.2 million for Research, Development, Test, and Evaluation (RDT&E), \$453.7 million for Procurement, and \$17.0 million for Military Construc-The budget request contained \$2,912.9 million for the Ballistic tion.

The House bill would authorize an additional \$628.0 million for BMDO.

The Senate amendment would authorize an additional \$490.5 million for BMDO.

The conferees agree to authorize a total of \$3,516.9 million for BMDO, an increase of \$603.9 million above the budget request. The conferees set forth specific funding allocations and programmatic guidance below.

Z
0
Ö
$\boldsymbol{\Xi}$
FUNDING (C
\cong
_
ᅐ
۲
4
Щ
111
$\overline{\alpha}$
~
<u>~</u>
H
!
DEFENS
MISSILE
二
芸
S
<u>ഗ</u>
₹
()
\succeq
江
<u>က</u>
3AL
4
ന്

Conference Report on FY96 DOD Authorization G S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language Page 53

Report Language Page 704-709 BMDO FUNDING ALLOCATION In thousands of dollars

Program	Budget Request	House	Senate Change	Conference	Conterence
Support Tech	93,308				93,308
Support Tech	79,387	***************************************	+70,000	+50.000	129.387
THAAD Dem/Val	576,327	***************************************			576.327
Hawk	23,188				23.188
BM/C3 Dem/Yal	24,231	***************************************			24.231
Navy LT Dem/Val				+185.000	185.000
Navy UT Dem/Val	30,442	+170,000	+170,000	+170,000	200.442
Corps SAM	30,442	- 10,000	+4,558	- 10.000	20,442
ВРІ	49,061	- 20,000	- 49.061	- 49.061	
NMO	370,621	+450,000	+300,000	+450,000	\$20.621
Other TMD	460,470	- 37,000	+15,000	- 22.000	438,470
THAAD EMD		+50,000			
BM/C3 EMD	14,301	***************************************			14,301
PAC-3 EMD	247,921	***************************************	+104,500	+104,500	352.421
PAC-3 EMD/RR	19,485				19,485
Navy LT EMD	237,473	+45,000	+45,000	- 140.000	97,473
Management	185,542	- 20,000	- 30,000	- 30,000	155,542
Patriot Proc	399,463	***************************************	- 104,500	- 104.500	294,963
Navy LT Proc	16,897	***************************************		***************************************	16.897
Hawk Proc	901'S	***************************************	***************************************	***************************************	5,106
BM/C3 Proc	32,242	***************************************	***************************************	04*************************************	32.242
BMDO Milcon	17,009		***************************************	***************************************	17,009

BALLISTIC MISSILE DEFENSE FUNDING (CONT

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language Page 704-709

Theater High Altitude Area Defense (THAAD)—The conferees agree to authorize the budget request of \$576.3 million in Pf. 63861C for THAAD Demonstration/Validation (Dem/Val).

The conferees endorse the language in the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) regarding the THAAD User Operational Evaluation System (UOES) option, and the need to ensure a smooth and timely transition from the Dem/Val phase to the Engineering and Manufacturing Development (EMD) phase. The conferees direct the Secretary of Defense to restructure the THAAD program so as to achieve a First Unit Equipped (FUE) by fiscal year 2000. The conferees believe that this objective can be facilitated by making only minor modifications to the UOES design and beginning Low-Rate Initial Production as soon as the EMD missiles have been adequately tested. Subsequent performance improvements to the initial system configuration should be incorporated through block upgrades, as appropriate and necessary. The conferees note that this approach would reduce overall THAAD development costs while significantly accelerating fielding of an operational system. Therefore, the conferees urge the Secretary of Defense to release the THAAD engineering and manuferees direct the Secretary of Defense to promptly initiate development of all battle management software for the THADD system, including that necessary to receive cuing information from external sensors.

Statutory Language

Report Language Page 704-709

Navy Upper Tier—The budget request included \$30.4 million in PE 63868C for the Navy Upper Tier program.

The conferees agree to authorize an increase of \$170.0 million for a total Navy Upper Tier authorization of \$200.4 million. The conferees direct the Secretary of Defense to include the Navy quisition program so as to achieve an initial operational capability (IOC) not later than fiscal year 2001, with a UOES capability not later than fiscal year 1999. The conferees look forward to receiving the results of the various studies that are assessing Navy Upper Fier technical issues and deployment options. The conferees agree to require the Director of BMDO to provide a status report to the congressional defense committees, not later than March 1, 1996, that summarizes the findings and recommendations (as available) petition in the Navy Upper Tier program, including the option of establishing a competitive development and flight test program between the Lightweight Exoatomospheric Projectile (LEAP) and THAAD kill vehicles. port an assessment of options for reducing risk and enhancing com-Upper Tier program in the core theater missile defense (TMD) program and to structure the Navy Upper Tier development and acof these analyses. The Director of BMDO should include in such re-

Tier program is desirable, but do not support the notion of competition between the Navy Upper Tier and THAAD programs. The conferees are convinced that the United States can and should develop and deploy both sea-based and land-based upper tier programs. Al-The conferees believe that competition within the Navy Upper though there may be an opportunity to reduce the number of TMD programs being developed by the Department of Defense, the conerees strongly oppose the notion of a competition and down-select

_	_
F	
Ż	•
7	5
7	,
2	_
/!	١
7	,
_	<u>.</u>
	1
Z	Ž
_	5
ū	_
_	•
<u>u</u>	į
<u>U</u>	,
I V N L L L	
H	J
H	ï
2	,
L	1
Ц	į
Ц	j
7	5
<u>U</u>	í
	:
2	2
t '	•
\succeq	•
	-
<u>U</u>)
	j
	j
4	
n	١

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language

Page 704-709

between the THAAD and Navy Upper Tier systems. The conferees view these as critical and complementary systems.

Patriot—The budget request included \$247.9 in PE 64865C for PAC-3 EMD, \$19.5 million in PE 64866C for PAC-3 risk reduction, and \$399.5 million for Patriot procurement.

The conferees agree to authorize the overall amount requested for the Patriot program and related activities. Within this overall authorization, the conferees agree to transfer \$104.5 million from Patriot procurement to PAC-3 EMD, a total authorization of \$352.4 million in PE 64865C.

Navy Lower Tier—The budget request included \$237.5 million in PE 64867C for Navy Lower Tier EMD and \$16.9 million for Navy Lower Tier procurement.

The conferees agree to authorize an increase of \$45.0 million for Navy Lower Ther Dem/Val and to transfer \$140.0 million from Navy Lower Ther EMD to Navy Lower Ther Dem/Val, a total of \$185.0 million in PE 63867C.

Corps SAM—The budget request included \$30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system. The conferees agree to authorize \$20.4 million for Corps SAM,

a reduction of \$10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Conference Report on FY96 DOD Authorization | S. 1124; H.Rept. 104-450 (1/22/96)

Report Language Page 704-709

of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC-3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than \$15.0 million may be obligated until such report has been submitted to the congressional defense committees.

Boost-Phase Intercept—The budget request included \$49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept

(BPI) program. The House bill would authorize \$29.1 million for the kinetic BPI program.

BPI program.
The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize \$15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).

BALLISTIC MISSILE DEFENSE FUNDING (CONT

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Report Language Page 704-709

The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to \$15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV-BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to \$30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV

	ě
Z	ě
0	
Ö	ě
/D	
$\mathbf{\Sigma}$	
Z	
$\overline{}$	
느	ı
_	
Щ	
E FU	
5	
NS	
_	ı
DEFENSE FUNDING (CONT)	
<u>ii</u>	
Ш	
MISSILE D	ı
Щ	
=	
S	
iń	
$\stackrel{\sim}{=}$	
Σ	
≥ ′	ı
LISTIC	
in	ı
$\ddot{\Box}$	ı
_	I
_	
4	ı
$\mathbf{\Omega}$	l
	ı
	ı
	ı
	ı
	ı
	ı

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language Page 704-709

Other TMD-The budget request contained \$460.5 million in PE 63872C for OTMD programs, projects, and activities. The House bill would authorize \$423.5 million for OTMD

this amount, the conferees authorize the use of up to \$15.0 million to explore a UAV-BPI program and up to \$30.0 million to continue The Senate amendment would authorize \$475.5 million, including the \$15.0 million for the UAV-BPI program cited above. The conferees agree to authorize \$438.5 million for OTMD. Of

the AIT advanced kill vehicle program.

National Missile Defense—The budget request contained \$370.6 million in PE 63871C for National Missile Defense (NMD).

The House bill would authorize \$820.6 million for NMD.

The Senate amendment would authorize \$670.6 million for NWD

The conferees agree to authorize \$820.6 million for NMD. The conferees provide detailed programmatic guidance on NMD elsewhere in this Statement of Managers.

Support Technologies—The budget request contained \$93.3 million in PE 62173C and \$79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.

The House bill would authorize the budget request for BMD

Support Technologies.

The Senate amendment would authorize an increase of \$70.0 million in PE 63173C for the Space-Based Laser (SBL) program. The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of \$50.0 million, for a total authorization of \$129.4 million in PE 63173C. tinue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the The conferees believe that it is critical for the United States to con-

FUNDING (CONT BALLISTIC MISSILE DEFENSE

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language

Statutory Language

Page 704-709

future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.

The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees.

_
<u>'</u>
O
O
'n
\cong
Z
ై
\Box
Z
矼
M
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Ž
ENG
Ш
出
쁘
Ш
щ
S
<u>iii</u>
$\stackrel{\sim}{=}$
≥
O
5
22
AL
3

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 D⊚D Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

Report Language Page 704-709

BMD programs exceeding the budget request, and programmed funding for SBIR represents a level below the mandated percentage, the Director of BMDO is authorized to transfer such funds as search, development, test, and evaluation authorized and appropriated (RDT&E) funds for Small Business Innovative Research (SBIR) efforts. Since the conferees recommend a level of funding for necessary from BMD program elements into PE 62173C to achieve BMDO is required to set aside 2.15 percent of extramural re-

the required percentage for SBIR.

BMDO Management—The budget request contained \$185.5 million in PE 65218C for BMD Management.

The House bill would authorize \$165.5 million for BMDO Man-

agement. The Senate amendment would authorize \$155.5 million for BMDO Management.

The conferees agree to authorize \$155.5 million for BMDO Management. The conferees recognize that BMDO must maintain ture may be unnecessarily duplicated in one or more of the services. Therefore, the conferees direct that BMDO identify any such duplication and take actions to eliminate it. The conferees request that the Director of BMDO consult with the Senate Committee on garding the Director's findings and proposed actions. The conferees after adjustments for inflation and any change in mission, over the level appropriated for management in fiscal year 1996. the integrity of its oversight of the overall BMD program. The conferees are concerned, however, that BMD management infrastruc-Armed Services and the House Committee on National Security refurther direct that BMDO show no increase in fiscal year 1997

E	-
Z	_
C)
C)
-	_
<u>C</u>)
4	:
TONIE EINOR)
Z	_
_	
Ц	-
Ц	J
U	
Z	•
Щ	J
Н	7
۲	֡֝֝֝֟֝֝֝֟֝֝֝֝֝֝֝֝֡֝
_	
Ц	ļ
	1
U)
U)
5	5
	-
7	<u> </u>
H	-
U	2
_	į
	j
7	Ĺ
Ц	1

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Ę,

Statutory Language

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language Page 704-709

Cruise missile defense funding

The House bill would authorize an increase of \$76.0 million above the budget request for cruise missile defense programs, projects, and activities.

The Senate amendment would authorize an increase of \$145.0 million above the budget request for a similar group of programs, projects, and activities.

projects, and activities.

The conferees agree to authorize an increase of \$85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

ISSILE DEFENSE FUNDING (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language Page 734	Ballistic Missile Defense Program Elements (sec. 251) The Senate amendment contained a provision (sec. 239) that would establish seven program elements for the Ballistic Missile Defense Organization's budget. The House bill contained no similar provision. The House recedes with an amendment creating eight program elements.	Page 738	Ballistic missile defense funding The House bill contained a provision (sec. 241) that would authorize \$3.070 billion in Defensewide research, development, test, and evaluation (RDT&E) funds for ballistic missile defense programs. The Senate amendment contained no similar provision. The House recedes. The conferees discuss funding for ballistic missile defense programs elsewhere in this Statement of Managers.
BALLISTIC MISSILE DEI	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language			

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95) Bill Language Provided, That not less than \$170,000,000 of the funds appropriated in this para-	E DEFENSE ORGANIZATION FUNDING Senate FY96 DoD Appropriation Bill Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) Bill Language None A in this para-
Area Defense (Navy Upper-Tier) program.	

SE ORGANIZATION (Cont) ASE FUNDS FOR THE STARS PROGRAM Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)	Bill Language Page 29 vided further, That of the funds appropriated in this paragraph for the Ballistic Missile Defense Organization, \$10,000,000 shall only be available to continue program activities and launch preparation efforts under the Strategic Target System (STARS) program.
BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont) DOMENICI (R-NM) AMENDMENT TO INCREASE FUNDS FOR THE STARS PROGRAM House FY96 DoD Appropriation Bill H 2126: H Rept. 104-208 (7/27/95) S. 1087; Sen. Rept. 104-124	

ORGANIZATION (Cont) **BALLISTIC MISSILE DEFENSE**

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Report Language Page 167-169

BALLISTIC MISSILE TECHNOLOGY

The Department requested \$2,442,199,000 for Ballistic Missile Defense in the Research, Development, Test and Evaluation title of the bill. The Committee recommends \$3,041,138,000 for the Ballistic Missile Defense Organization's (BMDO) research and development programs, an increase of \$598,939,000. The Committee recommends specific changes in Ballistic Missile Defense Organization programs as detailed in the table below.

BALLISTIC MISSILE DEFENSE

(In thousands of dollars)

	Budget request	Committee	Change from request
Marianal Missila Dalante	\$370.621	\$820,621	+\$450,000
Contributed Missing Designate	30.442	200,442	+170,000
NAVY Upper 1151	30.442	20,442	- 10,000
MEAUS (COIDS SAM)	460.470	423,470	- 37,000
Outlette Meetle Management	185,542	165,542	- 20.000
Though Lich Altitude Area Defence (FMD)		20,000	+50,000
Navy I ower Tier	237,473	282,473	+45,000
Boost Phase Intercept	49,961		- 49.061

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore rec-

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Report Language Page 183

Finally, the Committee recommendation includes an increase of \$30,000,000 which shall only be available for upgrades and modernization of the Ballistic Missile Defense Organization's [BMDO] Advanced Research Center [ARC] supercomputing facility. These funds will enable the ARC to expand its ability to meet the supercomputing needs of BMDO and the U.S. Army Space and Strategic Defense Command [USASSDC].

Report Language Page 186-187

Ballistic Missile Defense Organization [BMDO].—The Committee has provided \$3,037,196,000 for research, development, test, and evaluation [RDT&E] efforts on national and theater ballistic missile defense systems and technologies. This appropriation represents an overall increase of \$594,997,000 to the Ballistic Missile Defense Organization [BMDO] RDT&E budget request. The Committee has made a number of adjustments to individual accounts, consistent with the Senate reported authorization bill.

BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Report Language Page 167-169

ommends an increase of \$45,000,000 to Navy Lower Tier and an increase of \$50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of \$170,000,000 over the budget request.

The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of \$37,000,000 as proposed by the House National Security Committee.

While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by \$10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC-3 development activities.

Report Language Page 186-187

**Mational missile defense.—The Committee has provided \$670,621,000, an increase of \$300,000,000 over the budget request. The Committee has taken this action to accelerate the development of a national missile defense [NMD] system. The Committee endorses the realignment and augmentation of funding for BMDO activities for fiscal year 1996. The Committee shares the commitment articulated in the report accompanying Senate bill 1026 that adequate resources be made available to facilitate the deployment of an operational national missile defense system at the earliest possible time, that can fully protect all 60 States.

Theater missile defense.—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of \$170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

Second, the Committee has added \$45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be threatened by ballistic missiles.

Third, the Committee has fully funded the development of the patriot advanced capability [PAC-3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

H.R. 2126; H. Rept. 104-208 (7/27/95) House FY96 DoD Appropriation Bill

S. 1087; Sen. Rept. 104-124 (7/28/95) Senate FY96 DoD Appropriation Bil

Report Language Page 167-169

The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly \$500 million on the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Committee supports efforts to defend Israel from ballistic missile attack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is concerned about the total cost of the system, which some estimate to be as high as \$10 billion. There has also been some question about Israel's commitment to deploy Arrow, as well as the degree to which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously considered terminating the Arrow program. However, based on assurances from the Israeli government about its commitment to deployment and its recognition of its responsibility for production costs, the Committee approves the requested amount of \$56,500,000. However, the Committee strongly believes that U.S. funding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding rom the Department of Defense. Therefore, the Committee directs that any future funding request for the Arrow Weapon System should be budgeted within function 150 and should be considered by the Foreign Operations Subcommittee on Appropriations for

The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and

Report Language Page 186-187

Support technologies/follow-on technologies advanced development.—The Committee has provided \$149,387,000, the recommended authorization amount, to support the development of product improvements and next generation missile defense systems. Within the available funds, the Committee directs that \$10,000,000 shall be available only to continue efforts under the Russian-American Observational Satellites [RAMOS] Program.

In order to optimize follow-on technology development, the Committee directs BMDO to designate the Army Space and Strategic Defense Command [SSDC] as a center of excellence for technology

development. The Committee believes that commonship in requirements, offers the potential for cost savings through centralized screening and common technology development, with SSDC functioning as the executive agent to BMDO, to help assure that duplication is avoided, and efficiencies maximized.

Other theater missile defense/follow-on TMD activities acquisition—demonstration/validation.—The Committee fully supports the Department's continued participation in the ARROW program. The Committee expects the funds included in the budget request for the U.S. share of the bilateral ARROW development agreement to be available only for this purpose. The Committee also directs that \$3,000,000 of the available funds shall only be used to con-KTF is expected to continue to be required to support the developtinue operation and maintenance of the Kauai test facility [KTF] ment and testing of missile defense systems.

BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Report Language Page 167-169

Operational Effectiveness Analysis (COEA). The Committee further believes that the WAM concept has not received a thorough objective analysis of its potential in the area of missile defense. The Navy is directed to work in close consultation with the concept developers to provide a complete analysis of the WAM concept, including its relative costs, operational effectivness, and compatibility within the Navy's TMD architecture as part of the Navy COEA.

The Committee recognizes the importance of the Extended Airborne Global Launch Evaluation (EAGLE) program. Therefore, the Committee strongly recommends that \$19.9 million, as requested in the fiscal year 1996 budget, be obligated for this program.

NATIONAL MISSILE DEFENSE

The Committee believes that National Missile Defense (NMD) is one of the highest national security priorities. The Committee is concerned about the proliferation of weapons of mass destruction and the possible emergence of a ballistic missile threat from trogue nation. However, the Committee does not believe that the Administration's program of "technology readiness" is sufficient to address this threat. Therefore, the Committee recommends an increase of \$450,000,000 to significantly accelerate the development of a national missile defense system that will be capable of defending the United States from a limited ballistic missile attack. Furthermore, the Committee agrees with the House National Security Committee that the NMD program should be structured so as to support deployment of an NMD system at the soonest possible date—now estimated to be within four to six years.

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Report Language Page 186-187

(In thousands of dollars)

ltem	Budget estimate	Committee recommen- dation	Change from budget estimate
Support technologies/follow-on technologies advanced development May upper tier TMD—demonstration/validation	79,387 30,442	149,387 200,442	+ 70,000 + 170,000
idation	30,442		- 30,442
Notice of the state of the stat	49,061 370,621	670,621	- 49,061 + 300,000
quistion—demonstration/validation	460,470	475,470	+ 15,000
EMD EMP CONTROL OF THE ACQUISITION— NAV JOWER HET TMD ACQUISITION—EMD EMP	247,921 237,473	352,421 282,473	+ 104,500 + 45,000
and support	185,542	155,542	- 30,000

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Report Language None		
BALLISTIC MISSILE DEFENSE C	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Statutory Language Page 33	SEC. 8083. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the propriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts: "Aircraft Procurement, Air Force, 1994/1996", \$16,783,000; "Wissile Procurement, Air Force, 1995/1999", \$14,600,000; "Weapons Procurement, Navy, 1995/1997", \$14,600,000; "Shipbuilding and Conversion, Navy, 1995/1999", \$87,700,000; "Aircraft Procurement, Air Force, 1995/1997", \$24,000,000; "Aircraft Procurement, Air Force, 1995/1997", \$140,978,000; "Other Procurement, Air Force, 1995/1997", \$140,978,000; "Aircraft Procurement, Air Force, 1995/1997", \$140,978,000; "Research, Development, Test and Evaluation, Army, 1995/1996", \$7,902,000; "Research, Development, Test and Evaluation, Air Force, 1995/1996", \$7,902,000; "Research, Development, Test and Evaluation, Defense-Wide, Research, Development, Test and Evaluation, Defense-Wide, 1995/1996", \$12,000,000.	

Z
Ö
9
(1)
\neq
무
5
正
Z
0
ATIC
4
Z
32
20
0
DEFENSE 0
S
Z
Ш
DEFI
Ш
SILE
S
10
SE
C
Ĕ
S
二
၂
M
ш

Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)

Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)

Report Language

None

Statutory Language

Page 38

SEC. 8101. The total amount appropriated in title II, III, and IV of this Act is hereby reduced by \$30,000,000 for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

Page 45

SEC. 8125. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$832,000,000 to reflect savings from revised economic assumptions, to be distributed as follows:

Operation and Maintenance, Army, \$54,000,000; Operation and Maintenance, Navy, \$80,000,000; Operation and Maintenance, Marine Corps, \$9,000,000; Operation and Maintenance, Air Force, \$51,000,000;

Operation and Maintenance, Defense-Wide, \$36,000,000; Operation and Maintenance, Army Reserve, \$4,000,000; Operation and Maintenance, Navy Reserve, \$4,000,000; Operation and Maintenance, Marine Corps Reserve, \$1,000,000;

Operation and Maintenance, Air Force Reserve, \$3,000,000;

GuardNational Army Maintenance, and Operation \$7,000,000;

Operation and Maintenance, Air National Guard, \$7,000,000;

BALLISTIC MISSILE DEFENSE O	BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)
Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)
Statutory Language Page 45	Report Language None
Drug Interdiction and Counter-Drug Activities, Defense, \$5,000,000; Environmental Restoration, Defense, \$11,000,000; Overseas Humanitarian, Disaster, and Civic Aid, \$1,000,000; Pormer Soviet Union Threat Reduction, \$2,000,000; Aircraft Procurement, Army, \$5,000,000; Missile Procurement, Army, \$5,000,000; Procurement of Weapons and Tracked Combat Vehicles, Army, \$10,000,000; Procurement of Weapons and Tracked Combat Vehicles, Army, \$10,000,000; Aircraft Procurement, Nawy, \$13,000,000; Aircraft Procurement, Nawy, \$13,000,000; Other Procurement, Nawy, \$18,000,000; Other Procurement, Air Force, \$50,000,000; Aircraft Procurement, Air Force, \$50,000,000; Chemical Agents and Munitions Destruction, Defense, \$5,000,000; Research, Development, Test and Evaluation, Navy, \$20,000,000; Research, Development, Test and Evaluation, Air Force, \$79,000,000;	

ORGANIZATION FUNDING (CONT)	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Report Language None				
RGA	Con	Report J None				
BALLISTIC MISSILE DEFENSE C	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Statutory Language Page 45	Research, Development, Test and Evaluation, Defense-Wide, \$57,000,000; and Developmental Test and Evaluation, Defense, \$2,000,000: Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.			

BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (Cont)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Statutory Language Page 47

SEC. 8129. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:

"Research, Development, Test and Evaluation, Army",

Evaluation, Navy", Development, Test and \$47,852,000; "Research,

"Research, Development, Test and Evaluation, Air Force", \$128,958,000; and \$85,947,000;

"Research, Development, Test and Evaluation, Defense-Wide", \$62,243,000.

(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R-1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

Report Language Page 127

duction is to be applied on a pro-rata basis by subproject within each R-1 program element as modified by this Act, except no reduction may be taken against funds made available to the Department of Defense for Ballistic Missile Defense. The conferees included a new general provision (Section 8129) which reduces the funding provided in Title IV, Research, Development, Test and Evaluation, by \$325,000,000, in order to achieve savings in overhead and improve management efficiencies. This re-

	İ
	Į
7	
Ō	I
Ŏ	Į
9	1
5 2	
Z	Ì
$\overline{\Delta}$	н
Ī	Ì
\equiv	Ì
I FUNDII	
7	Ì
\overline{a}	į
=	
7	
NIZATION	1
ij	
7	
7	
\approx	
OR(
兴	
SN	
DEFENSI	
正	
山	
Ш	
SS	
S	
=	
$\overline{\Omega}$	
F	
S	
BALLISTIC MIS	
_	
Ă	
Ш	

1	1		+	:·	
	ننے		Ş	2	•
	\succeq		'n	ב	
	_		Ц	_	
	$\overline{\mathbf{z}}$		_	_	
	\mathcal{L}		لـ	-	
	ä)	ä	'n	
ı	ď	•	č	ŭ	
ľ	~		Ť	_	
	Ä	,	C	V	
	ĭ			نے	
	Œ	٠	L	Ļ	
	ď		I		
ľ	¥			•	
	7	•			
ľ	$\tilde{}$	1	·	ė.	
ľ	_	٠.	::	•	
l	, ,:	ij		e Qu	
Ļ	-			-	
l		ł,			
l		4	•••		
ı.	U)	j.	ंं	
ŀ	Ş	-	: :::	ं	
l	۷.	ַ	٠.		
ľ	t	3	ز	_	
ľ	τ	= :	ļ	$\overline{\mathfrak{O}}$	
ŀ	2	7	5	צי	
ı	Ç)	L	Ω	
ı	2	2	1	\subseteq	
ı	2	<u> </u>	٦	-	•
i	٩		্		
l)	্		
l	C)	•	4	•
ı	C)	('n)
ł	è	`	ុ	4	•
l	ð	Ś	(Š	,
ı	>	-	1		•
ł	Ц		X.	÷.	
ı			×		
ı	Ç			ψ	
ı	•	,	ſ	Υ	
i	t	_			
l	્	5		L	
ı	Ş	7		઼	
ı	ň	2		Ļ	
ı	u	ੋ		-	١
	્	ń	(S	١
į	ို	2			
į	Ĉ	5	ુ	1	
Į	ntorned Board on EVOS Doll Appropriations Conference Bebort on F	=	,	Т	
I	4	ב	·	•	
ĺ	Corcina	=			
į	7	く			
į	•	י			
ļ					
į	'				

Statutory Language None

Appropriations		44/4K/OK)	つつつつ
Conference Report on FY96 DoD Appropriations		アプラ アンナーナンプロ	ナナワーナン こつひこ
erence Report	·		L.D. 2 ZO. D.
Conf	; }		

(11/15/95)	H.R. 2126; H. Rept. 104-344 (11/15/95)	344 (11/15/95)	
	Report Language		
	Page 114.		
	NATIONAL MISSILE DEFENSE—DEM/VAL	_	
	CORPS SURFACE-TO-AIR MISSILE—TMD—DEMVAL	30,442 20,442 20,442 79,387 79,387 129,387 129,387	
	SUPPORT RECHANGLOSIZATORICATION LEGINOLOGICATION OTHER THEATER MISSIFT DEFENSE FOLLOW-ON TWO ACTIVITIES .	423,470 475,470	
	BALLISTIC MISSIE DEFENSE ROTAE PROGRAM MANAGEMENT	165,542 155,542	
,	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION-EM	247,921 352,421	
	THEATER HIGH-ALITITOE AREA DEFENSE SYSTEM—IMD—EMU . NAVY LOWER TIER ACQUISITION EMD NAVA I ANNED TIER ACQUISITION FMANAI.	237,473 282,473 282,473 97,473 185,000	
		470 4	
		+15.000	

EFENSE ORGANIZATION FUNDING (Cont)	Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	Report Language Page 118	STRATEGIC TARGET SYSTEM (STARS) The conferees agree to provide \$10,000,000, the budget amount, only to continue planning, preparation and actual conduct of STARS flight tests. The conferees direct that BMDO take no actions to terminate or place the STARS program in a caretaker status.				
BALLISTIC MISSILE DEFENSE C	Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	Statutory Language None					

THEATER MISSILE DEFENSE

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 31-33	Bill Language Page 49-55
SEC. 231. SHORT TITLE.	SEC. 291. SHORT TITLE.
This subtitle may be cited as the "Ballistic Missile De-	This subtitle may be eited as the "Missile Defense
fense Act of 1995".	Act of 1995".
SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE	-SEC. 232. FINDINGS.
UNITED STATES.	Congress makes the following findings:
It is the policy of the United States—	(1) The threat that is posed to the national se-
(1) to deploy at the earliest practical date highly	curity of the United States by the proliferation of
effective theater missile defenses (TMDs) to protect	ballistic and cruise missiles is significant and grow-
forward-deployed and expeditionary elements of the	ing, both quantitatively and qualitatively.
Armed Forces of the United States and to complement	(2) The deployment of Theater Missile Defense
and support the missile defense capabilities of friend-	systems will deny potential adversaries the option of
ly forces and of allies of the United States; and	escalating a conflict by threatening or attacking
	United States forces, coalition partners of the Unit-
	ed States, or allies of the United States with ballistic

THEATER MISSILE DEFENSE

	<u>_</u>
	ation Bi (7/12/9
•	
	200
	27
	申4
	132
	e FY96 DoD ; Sen. Rept.
7	
=	600
X	>- ō
\mathbf{O}_{1}	IT (S)
$\overline{}$	Φ ;;
Ш	क्त ल
ഗ	Senate FY96 D S. 1026; Sen. Re
Ž	1 0 T
$\overline{\Pi}$	ഗ
H	
Ξ	
ш	
\equiv	
(C)	
S	
MISSILE DEFENSE (Cont)	
	_ in
TER I	7 6 6 7
<u> </u>	ion Bi (6/1/9
щ	5 6
M	0 5
I	24
\vdash	1 = 0
	Z -
	スポ
	o o
	OI
	10 -
	டை
	∣≻ദ
	1 th 60
	<u> </u>
	1 5
	o m
	House FY96 DoD Autl H.R. 1530; H. Rept. 10
	T

Bill Language Page 31-33

(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

Lies.

SEC. 233. IMPLEMENTATION OF POLICY.

(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.

Bill Language Page 49-55

missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and al-

(3) The intelligence community of the United States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile though a new indigenously developed ballistic missile though a new indigenously developed ballistic missile

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-55	oast within the next 10 years there are ways for de-	-termined countries to acquire intercontinental ballis-	tie missiles in the near future and with little warn-	ing by means other than indigenous development.	(4) The deployment by the United States and	its allies of effective defenses against ballistic mis-	siles of all ranges, as well as against cruise missiles,	will reduce the incentives for countries to acquire	such missiles or to augment existing missile capabili-	ties.			
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 31-33	(b) NMD SYSTEM ARCHITECTURE.—To implement the	policy established in section 232(2), the Secretary of Defense	shall develop for deployment at the earliest practical date	an affordable, operationally-effective National Missile De-	fense (NMD) system designed to protect the United States	against limited ballistic missile attacks. The system to be	developed for deployment shall include the following:	(1) Up to 100 ground-based interceptors at a	single site or a greater number of interceptors at a	number of sites, as determined necessary by the Sec-	retary.		

THEATER MISSILE DEFENSE (Cont)

	≡
	on Bil /12/9
,	zatic 7
	10 T
	A de la
(1	ooD ept.
ont	96 L
<u>Ö</u>	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
SE	nate 026;
N	Ser.
山山	9)
HEATER MISSILE DEFENSE (Cont)	
SSI	
Σ	2
EH.	ation Bill 1 (6/1/95
AT	atio 1 (6
H	10riz 4-13
} —	Aut 10
	oD, tept.
	96 H. F
	FY9 30; F
	use 15
	오프

Bill Language Page 31-33

- (2) Fixed, ground-based radars.
- (3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.
- (4) Battle management, command, control, and consmunications.

Bill Language Page 49-55

- (5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction between strategic defense and nonstrategic defense, is technologically and geostrategically outdated.
- (6) The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in a multipolar world and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

	>
	二二
	OBL ≚
1	n B 12/9
1	lö 🎖
	ומ 🦯
	<u> </u>
	ō-
	F #
	50
	< -
	$\alpha =$
	16 S
	چ ۵
	, LL
	16 C
5	> 0
\mathcal{X}	圧の
\mathbf{Q}	Ф :
	# 8
Ш	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
ഗ	Φ 🕶
デ	ω,,,
IEATER MISSILE DEFENSE (Cont)	, J
4	
<u> </u>	
ш	
щ	
_	
$\overline{\Omega}$	
**	
꼬	
5	
$\mathbf{\alpha}$	$\equiv \omega$
Ш	™ ⊗
二	ES
7	00
\sim	7
Ш	rization Bill 131 (6/1/95)
I	′⊊ ⊬
—	1 2 4
-	I≡ø
	١٥T
	- 6
	்
	# I
	S -
	пш≋
	നന്
	louse R. 15
	1 2
	1
	1 4
	■:327500000000

Bill Language Page 31-33

- (c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—
- (1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and
- (2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).

Bill Language Page 49-55

- (7) By undermining the eredibility of, and incentives to pursue, destabilizing first-strike strategies, theater and national missile defenses can contribute to the maintenance of strategic stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.
- (8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures are imadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.

7
=
X
$\boldsymbol{\Xi}$
DEFENSE (
ENS
_
щ
Щ.
Ш
ш
\Box
S
ISSI
<u> </u>
5
_
Щ
VIE!
7
Ш
HEAT
F

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language Page 36-38

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

- (a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).
- (b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program subsection (c).

Bill Language Page 49-55

(9) -Due to limitations in the ABM Treaty which proclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

SEC. 233, MISSILE DEFENSE POLICY.

It is the policy of the United States to—
(1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

THEATER MISSILE	R MISSILE DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-38	Bill Language Page 49-55
(c) Covered Programs.—The reports under this sec-	(2) deploy a multiple site national missile de-
_	ited ballistic missile attacks on the territory of the
(THAAD)	United States, and (B) will be augmented over time
(2) Patriot Advanced Capability-3.	to provide a layered defense against larger and more
(3) Navy Lower Tier.	sophisticated ballistic missile threats;
(4) Navy Upper Tier.	(3) improve existing eruise missile defenses and
(5) Corps Surface-to-Air Missile.	deploy as soon as practical defenses that are highly
(6) Hawk.	effective against advanced eruise missiles;
(7) Boost Phase Intercept.	(4) pursue a focused research and development
(8) National Missile Defense.	program to provide follow on ballistic missile defense
(9) Arrow.	options;

THEATER MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-55	(5) employ streamlined acquisition procedures	to lower the cost and accelerate the pace of develop-	ing and deploying theater missile defenses, cruise	missile defenses, and national missile defenses, and	(6) seek a cooperative transition to a regime	that does not feature mutual assured destruction	and an offense-only form of deterrence as the basis	for-stratogio-stability.					
THEATER MISSIL	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 36-38	(10) Medium Extended Air Defense.	(11) Any theater missile defense program or na-	tional missile defense program which the Department	as Defense initiates after the date of the enactment of	this Act.	(d) VARIANCE REPORTING REQUIREMENTS.—(1) In	the annual report under this section, the Secretary shall de-	scribe, with respect to each program covered in the report,	any difference in the technical milestones, program schedule	milestones, and costs for that program—	(A) compared with the information relating to	that program in the report submitted in the previous	year; and

THEATER MISSILE	R MISSILE DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-38	Bill Language Page 49-55
(B) compared with the information relating to	SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.
that program in the first report submitted under this	(a) Establishment of Core Program:—To imple-
section in which that program is covered.	ment the policy established in section 233, the Secretary
(2) Paragraph (1)(A) shall not apply to the first report	of Defense shall establish a top priority core theater mis-
submitted under this section.	sile defense program consisting of the following systems:
(e) DATE OF SUBMISSION.—The report required by	(1) The Patriot PAC-3 system, which shall
this section for any year shall be submitted not later than	have a first unit equipped (FUB) in fiscal year
30 days after the date on which the President's budget for	1998.
the next fiscal year is submitted, except that the first report	(2) The Navy Lower Tier (Area) system, which
shall be submitted not later than 90 days after the date of	s hall have a user operational evaluation syste m
the enactment of this Act.	

1	
	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
	മ ≾ി
	E 21
1	ै ठ ≲।
	EU
	@
	** `*
	ರ್⊸I
Î	4
	30
	₹
	اكى
	물리
t	ട്ര ഇ
0	99 -
1	
\subseteq	1000
	u/
Ш	ම ග
m	a co
~	C 0
_	9 -
Ш	100
Ш	
111	
$\overline{}$	
111	
\neg	
THEATER MISSILE DEFENSE (Cont)	
M	
<u>~</u>	
5	
~	$\sigma = \sigma$
	l m €
ш	Lat
	thorization Bill 04-131 (6/1/95)
4	
ШÌ	1 0 X
=	
	\circ
	$\mathbb{R}^{\mathbb{R}}$
	3 ×
	نِ کِ ا
	DoD Rept
	O 0
	10 _
	l ത ±
	1 >= ±:
	III X
	ന ന
	l ŏ ∓
	1 2 .
	-
	House FY96 Do H.R. 1530: H. Re
•	100000000000000000000000000000000000000

Bill Language Page 43

SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTER-CEPTORS. Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103– 160; 107 Stat. 1600) is amended to read as follows:

"(a) TESTING OF THEATER MISSILE DEFENSE INTER-CEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

Bill Language Page 49-55

(UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.

(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.

THEATER MISSILE DEFENSE (Cont)	House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill S. 1530; H. Rept. 104-131 (6/1/95)
	SD T.
<u></u>	

Bill Language Page 43

- "(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—
- "(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and
- "(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.
- "(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to

Bill Language Page 49-55

- (b) Interoperability and Support of Core Systems.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).
- (c) Terminate the following programs:

 Defense shall terminate the following programs:
- (1) The Corps Surface to Air Missile system—(Corps SAM).

THEATER MISSILE DEFENSE (Cont)	House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language Page 43

section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".

Sill Language Page 49-55

- (2) The Boost Phase Interceptor (BPI).
- (d) Follow-Où Systems.—(1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.
- (2) Before adding now theater missile defense eystems to the core program from among the follow on activities, the Secretary of Defense shall submit to the congressional defense committees a renort describing—

RISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-55	(A) the requirements for the program;	(B) how the new program will relate to, sup-	port, and leverage off existing core programs;	(C) the planned acquisition strategy, and	(D) a preliminary estimate of total program	cost and budgetary impact.	(e) REPORT: Not later than 60 days after the date	of the enactment of this Act, the Secretary of Defense	shall submit to the congressional defense committees a re-	port detailing the Secretary's plans for implementing the	guidance specified in this section.		
THEATER MISSILE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

THEATER MISSILE	RISSILE DEFENSE (Cont)
*: House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
	Bill Language Page 66-67
	SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELE-
	-MENTS.
	(a) Elements Specified.—In the budget justifica-
	tion-materials submitted to Congress in support of the De-
	partment of Defense budget for any fiscal year after fiscal
	year 1996 (as submitted in the budget of the President
	under section 1105(a) of title 31, United States Code),
	the amount requested for activities of the Ballistic Missile
	Defense Organization shall be set forth in accordance with
	the following program elements:

Senate FY96 DoD Authorization,Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 66-67	(1) The Patriot system.	(2) The Navy Lower Tier (Area) system.	(3) The Theater High-Altitude Area Defense	(THAAD) system.	(4) The Navy Upper Tier (Theater Wide) sys-	-tem:	(5) Other Theater Missile Defense Activities.	(6) National Missile Defense.	(7) Follow On and Support Technologies.	(b) Treatment of Non-Core TMD in OTHER	THEATER MISSILE DEPENSE ACTIVITIES ELEMENT.	Funding for theater missile defense programs, projects,	
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

THEATER MISSILE DEFENSE (Cont)

THEATER MISSII	R MISSILE DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
1	Bill Language Page 66-67
	and activities, other than core theater missile defense pro-
	grams, shall be covered in the "Other Theater Missile-De-
	fense Activities" program element.
	(c) Treatment of Core Theath Missile De-
	FENSE PROGRAMS.—Funding for core theater missile de-
	fense programs specified in section 234, shall be covered
	in individual, dedicated program elements and shall be
	available only for activities covered by those program ele-
	ments.
	(d) BM/C31 Programs.—Funding for programs,
	projects, and activities involving battle management, com-
	mand, control, communications, and intelligence (BM/

R MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 66-67	C31) shall be covered in the "Other Theater Missile De-	fense Activities" program element or the "National Missile	Defense" program element, as determined on the basis of	the primary objectives involved.	(e) MANAGEMENT AND SUPPORT.—Each program	element shall include requests for the amounts necessary	for the management and support of the programs,	projects, and activities contained in that program element.		
THEATER MISSILE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)											

THEATER MISSILE DEFENSE (Cont)

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

Report Language Page 11

surface fire support, as well as a significant boost to the Air Force's space and reusable launch efforts. However, the centerpiece of the forts to reinvigorate the ballistic missile defense program. As rogue nations determinedly seek to acquire weapons of mass destruction and the technology to deliver them over great distances, the United States can ill-afford not to pursue a more robust effort to develop The committee's research and development recommendations include an attempt to revitalize the Army's moribund modernization program, a renewed emphasis on the Navy's littoral warfare procommittee's efforts to refocus defense research is found in its efgrams in anti-submarine warfare, mine countermeasures and naval and deploy effective theater and national missile defenses.

lives during the Gulf War. Contrary to those who criticize attempts to defend U.S. troops or the American people from these weapons as well as Americans at home from ballistic missile attack-wheth-Scud missile accounted for the greatest single loss of American of terror, a massive SDI-like program to deploy exotic technologies is not envisioned. Yet it would be unconscionable in this emerging er deliberate or accidental. Theater and national missile defense The nation must not forget how a crude, conventionally-armed world of proliferating technology not to protect our troops abroad must once again become a national priority. To this end, the committee has accelerated funding for both theater and national missile defense programs.

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

Report Language Page 2

Missile Defenses and mandating a National Missile Defense program that will lead to the deployment of a limited defense of the Finally, the committee addressed the proliferation of missile technology and weapons of mass destruction. With an increasing funds for both of these requirements. It initiated a program to enhance defense against cruise missiles while funding robust Theater United States in the foreseeable future. The committee reaffirmed ts support for cooperative threat reductions with Russia, Ukraine, number of nations acquiring or developing long-range missile technology, the United States must be able to defend both its deployed forces and the homeland. The committee provided direction and Belarus, and Kazakhstan.

Report Language Page 128-129

OVERVIEW OF BALLISTIC MISSILE DEFENSE PROGRAMS

The budget request contained \$2,442.2 million in research, development, test, and evaluation, \$453.7 million for procurement, and \$17.009 million for military construction, for a total budget request of \$2,912.9 million for ballistic missile defense (BMD)

The proliferation of ballistic missiles and weapons of mass destruction poses a significant threat to the United States, U.S. military forces, and U.S. global interests. The committee is concerned, however, that current Department of Defense policies and properties are not agrees and properties and properties are not agrees and properties.

For example, although the Secretary of Defense's February 1995 "Annual Report to the President and the Congress" noted that "ballistic missiles are clearly becoming a common battlefield weapon," the President's budget request for theater missile defense (TMD) is approximately thirty percent less than spending levels recommended by the previous Administration. As a result, several of the most promising TMD concepts, such as the Navy's "Upper Tier" program and the Army's Theater High Altitude Area Defense (THAAD) system, have been delayed.

The Administration's program for national missile defense—a defense of the American homeland—is even more worrisome. There is currently no commitment to deploy a national missile defense. In fact, the Department presently plans to spend over eighty percentless for national missile defense programs than the previous Administration—approximately \$500 million per year over the nextless to be a server of the previous for a server of the previous and the previous for a server of the server of the previous for a server of the previous for a server of the server

Report Language Page 113-116

Missile Defense Act of 1995

The committee recommends that the Missile Defense Act of 1991 be replaced by a provision (Subtitle C of Title II) that more completely responds to the challenges and opportunities of the post-Cold War era, and which charts a firmer and clearer course for missile defenses than the United States is currently on. The Missile Defense Act of 1995 would: (1) accelerate and focus U.S. theater missile defense (TMD) efforts; (2) establish a deployment plan for a national missile defense (NMD) system; (3) establish a cruise missile defense (CMD) initiative to strengthen and coordinate current CMD programs while preparing systems that will be highly capable against future threats; (4) set forth a compliance standard for air and theater missile defense with regard to the Anti-Ballistic Missile (ABM) Treaty; (5) advocate a cooperative transition to a regime that does not feature mutual assured destruction as the basis for strategic deterrence and stability; and (6) recommend establishment of a Senate select committee to conduct a comprehensive review of the continuing value and validity of the ABM Treaty and recommend a specific course of action.

The committee has received extensive testimony and briefings from the intelligence community, administration officials, and nongovernmental experts on the expanding ballistic and cruise missile threat. It is clear that the threat to the national security of the United States posed by the proliferation of such missiles is significant and growing, both qualitatively and quantitatively. It is equally clear in the committee's view that the United States must respond aggressively by deploying effective defenses against ballistic missiles of all ranges and against cruise missiles.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization BIII S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 128-129

The Administration's decision to abandon plans to deploy a national missile defense is particularly disturbing in light of the range of present and potential missile threats to the United States. Both Russia and China today maintain and are aggressively modernizing nuclear forces capable of destroying American cities. For Russia this includes production of follow-ons to the SS-25 intercontinental ballistic missile (ICBM) and SS-N-20 sea-launched ballistic missile (SLBM). China is producing two types of longrange ICBMs with ranges of approximately 7,000 kilometers and 10,000 kilometers respectively, as well as other strategic systems. Moreover, various "rogue regimes" are seeking a capability to attack the United States using ballistic missiles.

According to senior U.S. intelligence officials, it may not take long for an outlaw regime to acquire such a capability. For instance, on January 10, 1995, the Defense Intelligence Agency Director, Lieutenant General James Clapper, testified that North Korange to reach targets in Alaska. On January 18, 1995, the thenacting Director of Central Intelligence, Admiral William Studeman. Acting Director of Central Intelligence, Admiral William Studeman. testified that the proliferation of technology will lead to missiles "that can reach the United States toward the end of this decade and the beginning of [the next] century." Former Director of Central Intelligence R. James Woolsey has testified that the covert purchase of missiles would provide a "shortcut approach" that may lessen the time it takes to place the United States directly at risk. In addition, he stated that "the acquisition of key production tech-

Report Language Page 113-116

Theater Missile Defense Architecture

The committee recommends rapid development and deployment of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC-3 system, the Navy Lower Tier system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensure that the systems in the core program are developed aggressively so that they become operational as soon as possible.

gressively so that they become operational as soon as possible.

THAAD—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request for the THAAD program in fiscal year 1996 includes fundes to acquire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/validation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from DemVal to EMD and LRIP. Since the UOES missile appears to

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 128-129

nologies and technical expertise would speed up ICBM develop-

Today, more than 25 countries have or are developing weapons of mass destruction, including nuclear, chemical, and biological weapons. More than 15 countries now possess ballistic missiles, which can be used to deliver these weapons to their targets hundreds or thousands of miles away.

Because of their perceived military and political importance, ballistic missiles are also becoming a valuable export commodity. It is reasonable to assume that the desire to acquire ballistic missiles has been enhanced by the inability to defend against them. Effective theater and national ballistic missile defenses can raise the cost and lower the attraction of ballistic missiles to a would-be proliferant by reducing their effectiveness. Missile defenses also provide a hedge against the use of such weapons in the event traditional nonproliferation efforts (e.g., arms control, export controls, sanctions) fail to prevent proliferation. By providing an "insurance policy" against the use of these weapons, missile defenses could dampen incentives to act (or react) precipitously in a crisis and

In addition, the committee is concerned about the possible indigenous development or sale to third parties of space launch vehicles, which can be rapidly converted with little or no warning and minor modifications to ICBMs capable of delivering nuclear, chemical or hiological warheads against American cities. According to a 1992 statement by Lawrence Gershwin, CIA national intelligence officer for strategic programs, "India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States."

duce the risk that individual member states will be "held hostage"

to the threat of attack.

could promote the formation of regional defensive alliances that re-

Report Language Page 113-116

meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the EMD missiles, once initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while

Concerned that the Navy Lower Tier and Upper Tier systems beconcerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years, would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committees supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This conreduce risk and denonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in fine to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

Report Language Page 128-129

Any booster with the capability to lift a payload into orbit can also be used to deliver weapons of mass destruction on targets thousands of miles away. Through the purchase of space launch vehicles, a nation can acquire a threatening ballistic missile capability under the guise of peaceful activity. In this regard, the committee notes with concern continuing reports that Russia is attempting to market its "Start-1" and "Start-2" systems, which are modified versions of the SS-25 ICBM, as space launch vehicles. The purchase of space launch vehicles is one route by which proliferant states may seek to circumvent existing controls on the transfer of missile technology.

Given the growing ballistic missile threat, the committee is convinced that deployment of affordable, effective theater and national missile defense systems is an essential objective of a defense modernization program that adequately supports the requirements of the national military strategy. The committee's views on missile defense as an element of broader U.S. counterproliferation policy, and ballistic missile defense and strategic stability are contained in section 236 of the bill.

In response to the concerns outlined above, the commutee recommends several provisions, as well as the following guidance, to strengthen the U.S. response to the missile proliferation threat.

Report Language Page 113-116

lution for Theater CINGs must be designed for effective operations under a variety of possible scenarios, including such variants as the CING's initial command center being remote from the theater of operations, or initial operations from shipboard with a subsequent transfer of command and control authority to a facility ashore. Finally, the theater missile defense center has to be capable of dealing with both ballistic missile and cruise missile threats rects the Secretary of Defense to expand the charter and focus of this ongoing study effort. This effort should involve close consulta-tion and interaction with Theater CINCs regarding the develop-ment of a "seamless" command and control center capable of rapid within the theater. Because of the evident complexity of the theater integration of sensor information, surveillance information, and interceptor allocations. whether land or sea based. forts by the services, notably the Navy's Cooperative Engagement Capability (CEC) and the Army's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to exunder development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent erences for the design and operation of theater missile defense command and control centers. Moreover, any command and control so-The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control, and of individual missile defense command and control efamine the command and control requirements for effective theater theater-level command and control network under the control of a Theater CINC. The committee sees little evidence that Theater CINCs-the ultimate users-have been consulted as to their pref-TMD BATTLE MANAGEMENT/COMMAND AND CONTROL paths, with little interaction between them; and even less effort on missile defenses, in light of the numerous programs currently the requirement for their ultimate integration into a "seamless missile defense command and control problem, the committee d

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language Page 130-131

Missile defense and acquisition reform

In order to ensure the timely and affordable development and deployment of effective U.S. missile defense capabilities, the committee directs the Secretary to implement streamlined acquisition processes and procedures for the following programs and projects: National Missile Defense (NMD), THAAD, Navy Upper and Lower Tier systems, and Patriot. The Under Secretary of Defense for Acquisition and Technology is directed to prepare and submit a report to the congressional defense committees describing the steps taken to meet this requirement, along with the estimated cost savings and schedule accelerations that would result from these measures. The report shall be due not later than February 1, 1996.

Theater missile defense

The committee supports accelerating development and deployment of advanced TMD systems. For this reason, the committee recommends a provision (sec. 232) that would establish policy for the deployment of advanced TMD systems.

The committee is concerned about the long-term affordability of U.S. TMD programs and projects. Therefore, the committee directs the Secretary of Defense and Chairman of the Joint Chiefs of Staff to jointly review U.S. TMD plans, programs, and budgets, and to report to the Congressional defense committees by March 15, 1996, on the long-term affordability and need for the various TMD programs currently being pursued. In particular, the Secretary and Chairman should provide a prioritized listing of TMD systems and should make recommendations on down-selecting among competing TMD systems. Additional TMD program-specific guidance is provided below.

Senate FY96 DoD Authorization, Bill S. 1026; Sen. Rept. 104-112 (7/12/95) Report Language Page 113-116

ories TMD ACTIVITES—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend \$15.8 billion on the Patriot PAC-3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kinetic energy TMD systems that approach the threat fundamentally in the same technical manner.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 130-131

THAAD

The committee notes and reaffirms the previous Congressional endorsement of the User Operational Evaluation System (UOES) endorsement of the User Operational Evaluation System (UOES) alater than mid-FY 1998. In this regard, the committee endorses a later than mid-FY 1998. In this regard, the committee endorses a decision to acquire 40 THAAD UOES demonstration/validation the BMDO to review the THAAD acquisition plan to ensure a smooth transition from the dem/val phase of development to the engineering and manufacturing development (EMD) and low-rate engineering and manufacturing development (EMD) and low-rate initial production (LRIP) phases. This review should also consider the werits of producing additional missiles for contingency use before the year 2000 and of initiating LRIP concurrently with the formance has not been degraded by any EMD design changes. The Director of BMDO is directed to prepare and submit a report to the Director of BMDO is directed to prepare and submit a report to the committee not later than March 15, 1996, on the results of his review. Finally, the committee expects the Director of BMDO to initiate development of all battle management software for the THAAD system, including that necessary to receive cuing information from external sensors.

Navy upper tier

The committee urges prompt completion of the Upper Tier cost and operational effectiveness analysis (COEA), but emphasizes that a fair and impartial assessment is imperative. The committee will closely scrutinize the COEA to ensure that all relevant technological approaches were considered.

Report Language Page 113-116

The committee, therefore, recommends the termination of the excisting Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC-3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC-3. If implemented properly, production of the new system could be phased into ongoing PAC-3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 130-131

Navy lower tier

Given the importance of Navy Lower Tier to the Navy's ability to defend the fleet against cruise missile attacks, the committee directs the Secretary to review the management and funding responsibilities for Navy Lower Tier, including the possibility of transfering such responsibilities from BMDO to the Navy. The result of the Secretary's review should be communicated to the congressional defense committees not later than February 15, 1996.

Arrow

The committee directs that none of the funds authorized for Arrow may be obligated until the Secretary has certified in writing to the congressional defense committees that a U.S.-Israeli. Memorandum of Agreement governing the next phase of U.S.-Israeli cooperation on missile defense has been signed. Along with such certification, the Secretary shall also include a report on the annual U.S. and Israeli funding necessary to implement, and any costsharing arrangements contained in the agreement.

Russian-American observational satellites (RAMOS)

The committee commends the Department for providing increased funding in fiscal year 1995 for the RAMOS project. The committee continues to strongly support this cooperative research and development effort and recommends not more than \$10 million for this program in fiscal year 1996 in PE 63173C.

Boost phase intercept (BPI)

To maximize defense effectiveness, ballistic missiles armed with carly-release submunitions need to be attacked early in their flight trajectory. This represents a significant challenge for the defense, however. While generally supportive of the concept of boost phase intercept, the committee notes that the BPI program is at present unfocussed, with no workable system design yet defined. As a result, the committee recommends a reduction of \$20 million to the request.

Report Language Page 113-116

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 138

High modulus polcrylonitrile (PAN) carbon fiber

High modulus polcrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kinetic kill interceptor. The committee understands that, currently only one company in the world, located in Japan, will be able to meet THAAD production requirements. The committee believes that the United States should not be totally dependent on a foreign producer for this critical THAAD component. Accordingly, the committee has included an additional total of \$4 million in PE 78045A to support the development of a domestic source for this material.

TOT SAUT

Report Language Page 131

High modulus polycrylonitrile (PAN) carbon fiber

Polyacrylonitrile (PAN) carbon fiber is a critical composite material used in the Theater High Altitude Air Defense (THAAD) missile component. Currently, the only company supplying this material is located in Japan. In order to develop at least two domestic sources for this material, the committee recommends an additional authorization of \$4.0 million in PE 602105A to fund this effort. The committee directs that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized where appropriate.

House FY96 DoD Authorization Bill H,R, 1530; H, Rept. 104-131 (6/1/95)

Report Language Page 144

SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for implementing that guidance. Further, the section would direct that the report include a revised five-year funding plan for National Missile Defense (NMD), consistent with the guidance contained in the provision. The Secretary's report would specify projected timelines and costs for deploying advanced Theater Missile Defense (TMD) systems and an NMD system. Furthermore, the report would state whether or when ABM Treaty constraints would have the effect of constraining the deployment and efficient operation of a highly-effective NMD system.

SECTION 236-BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

SECTION 243-TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS

This section would amend section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) regarding testing of theater missile defense interceptors.

Report Language Page 120-121

S. 1026; Sen. Rept. 104-112 (7/12/95)

Senate FY96 DoD Authorization Bil

Development, Testing and Deployment of Non-ABM Systems

The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, "capabilities to counter strategic ballistic missiles." This approach, quirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.

Report Language Page 144

Report Language Page 120-121 The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

Ballistic Missile Defense Program Elements

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization.Bil

Report Language Page 122-123

CORE THEATER MISSILE DEFENSE PROGRAMS

cal year 1995-99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of \$1.8 billion in fiscal year 1996. This includes an increase of \$45.0 million for Navy Lower Tier, an increase of \$170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:

—For Patriot PAC-3, a First Unit Equipped (FUE) in fiscal The committee recommends the establishment of a core TMD program consisting of the Patriot PAC-3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the that these four programs be funded as major acquisitions in the fis-Department of Defense's Bottom-Up Review, which recommended

capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.

For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.

For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 1099. year 1998.

of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other pur-The committee endorses this schedule and directs the Secretary poses without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests.

Other Theater Missile Defense Activities

The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core

Report Language Page 122-123

TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.

Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.

The committee does recommend an increase of \$15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs.

	THEATER MISSILE	R MISSILE DEFENSE (CONT)
	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Conference Report on FY96 DOD Autherization S. 1124; H.Rept. 104-450 (1/22/96)
	Statutory Language	Report Language
	See the Missile Defense Act section for language on Theater Missile Defense. (See Sections 233, 234, 235, 236, 237, 252)	See <u>Missile Defense Act</u> section for report language on Theater Missile Defense (Conference report pages 729-734)
		See <u>Ballistic Missile Defense Funding</u> section for report language on Theater Missile Defense (Conference Report pages 704-709)
* * * * * * * * * * * * * * * * * * *		
er egra		
:		

SILE DEFENSE	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)	Bill Language None		
THEATER MISSII	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Bill Language Page 29	Provided, That not less than \$170,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide	Area Defense (Navy Upper-Tier) program.

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Report Language Page 167-169

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of \$45,000,000 to Navy Lower Tier and an increase of \$50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of \$170,000,000 over the budget request.

The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of \$37,000,000 as proposed by the House National Security Committee.

While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by \$10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC-3 development activities.

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Report Language Page 186 Theater missile defense.—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of \$170,000,000 for the Navy upper tier program. The Committee believes that further development, and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

Second, the Committee has added \$45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be three-food by hallestic missiles.

tivities may be threatened by ballistic missiles.

Third, the Committee has fully funded the development of the patriot advanced capability [PAC-3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Report Language Page 167-169

The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly \$500 million on the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Committee supports efforts to defend Israel from ballistic missile attack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is concerned about the total cost of the system, which some estimate to be as high as \$10 billion. There has also been some question about which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously considered terminating the Arrow program. However, based on assurances from the Israeli government about its commitment to deployment and its recognition of its responsibility for production costs, the Committee approves the requested amount of \$56,500,000. However, the Committee strongly believes that U.S. funding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding from the Department of Defense. Therefore, the Committee directs should be budgeted within function 150 and should be considered by the Foreign Operations Subcommittee on Appropriations for

funding.
The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and

ENSE (CONT)	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Report Language See Navy Upper Tier and Navy Lower Tier for conference language.	
DEF	Соп	Report I	
THEATER MISSILE DEFENSE (CONT	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	Statutory Language See Navy Upper Tier for conference language on Navy Upper Tier.	

THEATER HIGH ALTITUDE AREA DEFENSE

Ц	1
U.)
Ž	•
ū	Ì
ū	_
ū	i
\overline{C}	ì
_	
9	Ĺ
Ţ	1
α	
4	
THEATER HIGH ALTHUM AREA DEFINAL	I
)
_)
H	-
•	I
d	ĺ
_	-
井	
C)
Ŧ	
_	-
α	-
Ц	Į
-	_
9	Ĺ
Ц	l
I	
-	-

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Bill Language Page 36-37

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

- (a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).
- (b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program subsection (c).

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/98)

Bill Language Page 53-54

SEC: 234. THEATER MISSILE DEFENSE ARCHITECTURE.

- ment the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:
 - —(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.
- (2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.

THEATER HIGH ALTITUD	H ALTITUDE AREA DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
(c) COVERED PROGRAMS.—The reports under this sec-	(3)—The—Theater—High-Altitude—Area—Defense
tion shall cover the following programs:	(THAAD) system, which shall have a user oper-
(1) Theater High Altitude Area Defense	ational evaluation system (UOES) capability in fis-
(THAAD).	cal year 1997 and an initial operational capability
(2) Patriot Advanced Capability-3.	(IOC) no later than fiscal year 2002.
(3) Navy Lower Tier.	(4) The Navy Upper Tier (Theater Wide) sys-
(4) Navy Upper Tier.	tem, which shall have a user operational evaluation
(5) Corps Surface-to-Air Missile.	system (UOES) capability in fiscal year 1999 and
(6) Hawk.	an initial operational capability (10C) in fiscal year
(7) Boost Phase Intercept.	2 001.
(8) National Missile Defense.	
(9) Arrow.	

7	
$\overline{}$	
X	
$\boldsymbol{\Xi}$	
111	
7	
¥	
FENS	
H	
Ħ	
DE	
	
AREA	
Щ	
$\mathbf{\alpha}$	
<	
li I	
$\overline{}$	
=	
ニ	
)	
٦	
_	
I	
C	
=	
\mathbf{C}	
Ш	
H	
THEATER HIGH ALTITUDE AREA DEFENSE (Cont)	
Ш	
I	
H	

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

Bill Language Page 36-37

- (10) Medium Extended Air Defense.
- of Defense initiates after the date of the enactment of (11) Any theater missile defense program or national missile defense program which the Department this Act.
- (d) VARIANCE REPORTING REQUIREMENTS.—(1), In any difference in the technical milestones, program schedule the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, milestones, and costs for that program—
- (A) compared with the information relating to that program in the report submitted in the previous year; and

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

Bill Language Page 53-54

from systems such as the Navy's Cooperative Engagement ploiting external sensor and battle management support -retary of Defense shall ensure that core theater missile -ter (BIC), air and space based sensors including, in par tieular, the Space and Missile Tracking System (SMTS). defense systems are interoperable and fully capable of ex-Capability (CEC), the Army's Battlefield Integration Cen-(b) INTEROPERABILITY AND SUPPORT OF CORE SYS-TEMS, ... To maximize effectiveness and flexibility, the Sec-

_
lt)
ō
S
兴
낒
EFEN
正
Ш
4
Ш
Œ
4
Щ
\Box
4 ALTITUDE AREA
F
5
₹
T
ロデ
¥
<u>-</u>
Ш
二
THEA
Щ
I

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

Bill Language

- (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.
- (2) Paragraph (1)(A) shall not apply to the first report submitted under this section.
- (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

ALTITUDE AREA DEFENSE (CONT)	Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	See <u>Missile Defense Act</u> section for Nunn amendment on the Missile Defense Act concerning THAAD (September 5, 1995)		
	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)			

THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 130-131

THAAD

The committee notes and reaffirms the previous Congressional endorsement of the User Operational Evaluation System (UOES) concept, and urges that a THAAD UOES system be delivered no later than mid-FY 1998. In this regard, the committee endorses a decision to acquire 40 THAAD UOES demonstration/validation (dem/val) prototype missiles. The committee urges the Director of the BMDO to review the THAAD acquisition plan to ensure a smooth transition from the dem/val phase of development to the engineering and manufacturing development (EMD) and low-rate initial production (LRIP) phases. This review should also consider the merits of producing additional missiles for contingency use before the year 2000 and of initiating LRIP concurrently with the testing of EMD missiles once initial tests have verified that performance has not been degraded by any EMD design changes. The Director of BMDO is directed to prepare and submit a report to the committee not later than March 15, 1996, on the results of his review. Finally, the committee expects the Director of BMDO to initiate development of all battle management software for the THAAD system, including that necessary to receive cuing information from external sensors.

Report Language Page 113-114

Theater Missile Defense Architecture

The committee recommends rapid development and deployment of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC-3 system, the Navy Lower Tier system, the Theater High-Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensuire that the systems in the core program are developed agreesively so that the systems in the core program are developed agreesively so that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees the systems in the core program are developed agrees that the systems in the core program are developed agrees that the systems in the core program are developed agrees the core program are developed agrees the core program are developed agrees and the core program are developed agrees are the core program are developed agrees and the core program are developed agrees are the core program are developed agrees are the core program are developed agrees and the core program are developed agrees are the core program are developed agrees are the core program are developed agrees are the core program as possible and the core program are developed agrees are the core program as possible and the core pro

gressively so that they become operational as soon as possible.

THAAD—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request for the THAAD program in fiscal year 1996 includes funds to acquire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/validation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability in improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from

AREA DEFENSE (Cont) THEATER HIGH ALTITUDE

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 138

High modulus polcrylonitrile (PAN) carbon fiber

High modulus polcrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kinetic kill interceptor. The committee understands that, currently only one company in the world, located in Japan, will be able to meet THAAD production requirements. The committee believes that the United States should not be totally dependent on a foreign producer for this critical THAAD component. Accordingly, the committee has included an additional total of \$4 million in PE 78045A to support the development of a domestic source for this material.

Report Language Page 113-114

Demval to EMD and LRIP. Since the UOES missile appears to meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the EMD missiles, once initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while providing additional EMD missiles to augment the initial UOES inventory.

THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi

Report Language Page 122

The committee recommends the establishment of a core TMD program consisting of the Patriot PAC-3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995-99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of \$1.8 billion in fiscal year 1996. This includes an increase of \$45.0 million for Navy Lower Tier, an increase of \$170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:

—For Patriot PAC-3, a First Unit Equipped (FUE) in fiscal

year 1998.

capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.

For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.

For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 1999.

The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds poses without the express consent of the congressional defense committees. The committee also directs that no funds authorized for authorized for core TMD programs not be utilized for other purthe Navy Upper Tier program be used for additional Terrier-LEAP

THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 131

High modulus polycrylonitrile (PAN) carbon fiber

Polyacrylonitrile (PAN) carbon fiber is a critical composite material used in the Theater High Altitude Air Defense (THAAD) missile component. Currently, the only company supplying this material is located in Japan. In order to develop at least two domestic sources for this material, the committee recommends an additional authorization of \$4.0 million in PE 602105A to fund this effort. The committee directs that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized where appropriate.

THEATER HIGH ALTITUDE AIR DEFENSE (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96).	Report Language	See <u>Missile Defense Act</u> section for report language on THAAD. (Conference Report pages 731-734)	See <u>Ballistic Missile Defense</u> Funding section for report language on THAAD. (Conference Report pages 704-706)	
THEATER HIGH ALTITUE	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language	See the <u>Missile Defense Act</u> section for language on THAAD. (See Sections 234, and 251,; Conference Report Pages 45-54)		

THEATER HIGH ALTITUDE AIR DEFENSE (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)*.

Statutory Language

None

Report Language Page 657

Polycrylonitrile carbon fibers

The budget request did not include funding for polycrylonitrile (PAN) fiber development.

The House bill would authorize an additional \$4.0 million for PAN fibers in the Army MANTECH program.

The Senate amendment would authorize an additional \$4.0 million for PAN fibers in the Army materials technology program. The conferees agree to authorize an additional \$4.0 million for this PAN fibers program in PE 78045A.

THEATER HIGH ALTITUDE AREA DEFENSE (THAAD)

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Bill Language None

None Report <u>Language</u> Page 167-168

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of \$45,000,000 to Navy Lower Tier and an increase of \$50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Ther program will provide a substantial defense capability; and therefore recommends an increase of \$170,000,000 over the budget request.

Report Language

Page 186

Bill Language

None

First, the Committee has provided an increase of \$170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

Third, the Committee has fully funded the development of the patriot advanced capability [PAC-3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

Conference Repor H.R. 2126; H.	Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)		Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)
Statutory Language None		None None	anguage

NAVY UPPER TIER

1		1	(
-	ļ	j	L		
-			-		,
-		1			
ł	L	1	Ļ		
1		1	Ì		•
1			Ì		•
•					
-)	>		•
1	4			Į	
	•	•			

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

Bill Language Page 36-37

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

- (a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).
- (b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).

Senate FY96 DOD Authorizations S. 1026; Sen. Rept. 104-112 (7. Bill Language Page 53-54

SEC. 294. THEATER MISSILE DEFENSE ARCHITECTURE.

- (a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:
- (1) The Patriot PAC 3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.
- (2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system
- (3) improve existing eruise missile defenses and deploy as soon as practical defenses that are highly effective against advanced eruise missiles;

NAVY UPPER TIER (Cont)	TIER (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
(c) COVERED PROGRAMS.—The reports under this sec-	(4) pursue a focused research and development
tion shall cover the following programs:	program to provide follow-on ballistic missile defense
(1) Theater High Altitude Area Defense	options;
(THAAD).	(5) employ streamlined acquisition procedures
(2) Patriot Advanced Capability-3.	to lower the cost and accelerate the pace of develop-
(3) Navy Lower Tier.	ing and deploying theater missile defenses, cruise
(4) Navy Upper Tier.	missile defenses, and national missile defenses, and
(5) Corps Surface-to-Air Missile.	(6) seek a cooperative transition to a regime
(6) Hawk.	that-does-not-feature-mutual assured-destruction
(7) Boost Phase Intercept.	and an offense-only form of deterrence as the basis
(8) National Missile Defense.	for strategic stability.
(9) Arrow.	
•	

_
Ī
0
9
<u> </u>
TIER
二
α
Ш
₾
a
$\overline{}$
>
>
4
\preceq
Ž

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Bill Language Page 36-37

- (10) Medium Extended Air Defense.
- (11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.
- (d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—
- (A) compared with the information relating to that program in the report submitted in the previous year; and

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language Page 53-54

- SEC. 294. THEATER MISSILE DEFENSE ARCHITECTURE.
- (a) Establishment of Corb Program. To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:
- (1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.
- shall have a user operational evaluation system shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
(B) compared with the information relating to	(3) The Theater High-Altitude Area Defense
that program in the first report submitted under this	(THAAD) system, which shall have a user oper-
section in which that program is covered.	ational evaluation system (UOES) capability in fis-
(2) Paragraph (1)(A) shall not apply to the first report	cal year 1997 and an initial operational capability
submitted under this section.	(IOC) no later than fiscal year 2002.
(e) DATE OF SUBMISSION.—The report required by	(4) The Navy Upper Tier (Theater Wide) sys-
this section for any year shall be submitted not later than	tem, which shall have a user operational evaluation
	system (UOES) capability in fiscal year 1999-and
	-an initial operational capability (IOC) in fiscal year
	-2001.

NAVY UPPER TIER (Cont)

VY UPPER TIER (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 53-54	(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS. To maximize effectiveness and flexibility, the Sec-	9 8	ploiting external sensor and battle management support from systems such as the Navy's Gooperative Engagement	Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in par-	ticular, the Space and Missile Tracking System (SMTS).	
NAVY UPPER	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)							

TIER (CONT) Senate FY96 DOD Authorization Bill	S. 1026; Sen. Rept. 104-112 (711255) Bill Language	See <u>Missile Defense Act</u> section for Nunn amendment on the Missile Defense Act concerning Navy Upper Tier (September 5, 1995)	
2000	H.R. 1530; H.Rept. 104-131 (6/1/95)		

Report Language Page 131

Navy upper tier

The committee urges prompt completion of the Upper Tier cost and operational effectiveness analysis (COEA), but emphasizes that a fair and impartial assessment is imperative. The committee will closely scrutinize the COEA to ensure that all relevant technological approaches were considered.

Report Language Page 114

NAVY LOWER AND UPPER TIER—The committee is equally concerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

Report Language Page 122

CORE THEATER MISSILE DEFENSE PROGRAMS

The committee recommends the establishment of a core TMD program consisting of the Patriot PAC—3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995—99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of \$1.8 billion in fiscal year 1996. This includes an increase of \$45.0 million for Navy Lower Tier, an increase of \$170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:

-For Patriot PAC—3, a First Unit Equipped (FUE) in fiscal

year 1998.

capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.

—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.

—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds the Navy Upper Tier program be used for additional Terrier-LEAP The committee endorses this schedule and directs the Secretary

JPPER TIER (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language	See <u>Missile Defense Act</u> section for report language on THAAD. (Conference Report pages 731-734)	See <u>Ballistic Missile Defense Funding</u> section for report language on Navy Upper Tier. (Conference Report pages 704-706)	
NAVY UPPER	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language	See the <u>Missile Defense Act</u> section for language on Navy Upper Tier. (See Sections 234, and 251,; Conference Report Pages 45-54)		

NAVY UPPER	ER TIER
House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) "".
Bill Language Page 29	Bill Language None
Provided, That not less	
than \$170,000,000 of the funds appropriated in this para-	
graph shall be made available only for the Sea-Based Wide	
Area Defense (Navy Upper-Tier) program.	

NAVY UPPER TIER (Cont)

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Report Language Page 167-169

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of \$45,000,000 to Navy Lower Tier and an increase of \$50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of \$170,000,000 over the budget request.

The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and Operational Effectiveness Analysis (COEA). The Committee further believes that the WAM concept has not received a thorough objective analysis of its potential in the area of missile defense. The Navy is directed to work in close consultation with the concept developers to provide a complete analysis of the WAM concept, including its relative costs, operational effectivness, and compatibility within the Navy's TMD architecture as part of the Navy COEA.

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) Report Language Page 186

Theater missile defense.—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of \$170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

NAVY UPPER TIER (Cont)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Statutory Language Page 14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Depense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$9,411,057,000, to remain available for obligation until September 30, 1997: Provided, That not less than \$200,442,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program:

Report Language Page 118

NAVAL THEATER BALLISTIC MISSILE DEFENSE

ing with a development program that achieves deployment of the Navy Upper Tier system by the planned 2001 IOC. The conferees endorse the Navy Theater Wide system as a core TMD program and endorse fully funding the core program in the 5-year defense plan. The conferees direct that not less than \$200,442,000 shall be spent on Navy Upper Tier and not less than \$282,473,000 on Navy Lower Tier for research and development activities. Funding allocaidly as possible. The Navy's current plan to build on existing ship technically capable and manageable program that is planned to produce a user operational capability (UOES) Upper Tier system tions through BMDO to the Navy for these programs should pro-The conferees believe that the Navy's area wide (Lower Tier) and theater wide (Upper Tier) programs should be deployed as rapplatforms, the Aegis system, proven launch systems, and the opernot later than FY 1999 with an initial operational capability (IOC) by 2001. The conferees are committed to a rapid and actual deployational Standard missile family has resulted in a cost effective, ment of an effective sea-based missile defense system. The conferees direct the Department to place highest priority on proceed ceed expeditiously NAVY LOWER TIER

NAVY LOWER TIER	VER TIER
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bijl S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC.	SEC. 294. THEATER MISSILE DEFIENSE ARCHITECTURE.
COUNTABILITY.	(a) ESTABLISHMENT OF CORB PROGRAM:—To imple-
(a) ANNUAL BMD PROGRAMS REPORT.—The Sec-	ment the policy established in section 233, the Secretary
retary of Defense shall submit to the congressional defense	of-Defense shall establish a top priority core theater mis-
committees an annual report describing the technical mile-	sile defense program consisting of the following systems:

and acquisition, together with total estimated program

schedule milestones, and costs of each phase of development

costs, covering the entire life of each program specified in

subsection (c).

(1) The Patriot PAC-3 system, which shall

have a first unit equipped (FUE) in fiscal year

15 gg

(b) MATTERS TO BE INCLUDED.—Each report under

subsection (a) shall list all technical milestones, program

stones, schedule, and cost of each ballistic missile defense

program specified in subsection (c).

NAVY LOWER	VY LOWER TIER (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
(c) COVERED PROGRAMS.—The reports under this sec-	(UOES) eapability in fiscal year 1997 and an initial
tion shall cover the following programs:	operational capability (10C) in fiscal year 1999.
(1) Theater High Altitude Area Defense	(3) The Theater High-Altitude Area Defense
(THAAD).	(THAAD) system, which shall have a user oper-
(2) Patriot Advanced Capability-3.	ational evaluation system (UOES) capability in fis-
(3) Navy Lower Tier.	cal year 1997 and an initial operational capability
(4) Navy Upper Tier.	(IOC) no later than fiscal year 2002.
(5) Corps Surface-to-Air Missile.	(4) The Navy Upper Tier (Theater Wide) sys-
(6) Hawk.	tem, which shall have a user operational evaluation
(7) Boost Phase Intercept.	system (UOES) capability in fiscal year 1999 and
(8) National Missile Defense.	an initial operational capability (IOC) in fiscal year
(9) Arrow.	-2001.

NAVY LOWER TIER (Cont)	TIER (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95).
Bill Language Page 36-37	Bill Language Page 53-54
(10) Modium Extended Air Defense	(b) Interoperability and Support of Core Sys-
(11) Ann theater missile defense program or na-	TEMS. To maximize effectiveness and flexibility, the Sec-
tional missile defense program which the Department	retary of Defense shall ensure that core theater missile
	defense systems are interoperable and fully capable of ex-
this Act.	ploiting external sensor and battle management support
(d) VARIANCE REPORTING REQUIREMENTS.—(1) In	from systems such as the Navy's Cooperative Engagement
the annual report under this section, the Secretary shall de-	Capability (CEC), the Army's Battlefield Integration Cen-
	ter (BIC), air and space-based sensors including, in par-
any difference in the technical milestones, program schedule	ticular, the Space and Missile Tracking System (SMTS).
milestones, and costs for that program—	
(A) compared with the information relating to	
that program in the report submitted in the previous	
year; and	

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	
(B) compared with the information relating to that program in the first report submitted under this	
section in which that program is covered.	
(2) Paragraph (1)(A) shall not apply to the first report	
such the section. (e) Date of Submission.—The report required by	
this section for any year shall be submitted not later than	

NAVY LOWER TIER (Cont)

		nt on the ıber 5,		
	rization Bil <u>l</u> [12 <i>(7</i> /12/95)	loor amendme er Tier (Septen		
	Senate FY96 DOD Authorization Bil S. 1026; Sen. Rept. 104-112 (7/12/95	Bill Language See Missile Defense Act section for Nunn floor amendment on the Missile Defense Act concerning Navy Lower Tier (September 5,		
(CONT)	Senate FY9 S. 1026; Se	uage le Defense Act se efense Act conce		
/Y LOWER TIER (CONT)		Bill Language See Missile De Missile Defens	1995)	
VY LOWE	Bill 95)			
NAV	thorization 34-131 (6/1/			
	House FY96 DOD Authorization H.R. 1530; H.Rept. 104-131 (6/1/			
	House FY H.R. 1530			

Report Language Page 131

Navy lower tier

Given the importance of Navy Lower Tier to the Navy's ability to defend the fleet against cruise missile attacks, the committee directs the Secretary to review the management and funding responsibilities for Navy Lower Tier, including the possibility of transferring such responsibilities from BMDO to the Navy. The result of the Secretary's review should be communicated to the congressional defense committees not later than February 15, 1996.

Report Language Page 114

NAVY LOWER AND UPPER TIER—The committee is equally concerned that the Navy Lower Ther and Upper Ther systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years, would ensure availability of Navy Lower Ther UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of F. "Insee net. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

		· · · · · ·			· ·
Y LOWER TIER (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language	See <u>Missile Defense Act</u> section for report language onNavy Lower Tier. (Conference Report pages 731-734)	See Ballistic Missile Defense Funding section for report language on Navy Lower Tier. (Conference Report pages 704-706)	
NAVY LOWER	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language	See the Missile Defense Act section for language on Navy Lower Tier. (See Sections 234, and 251;; Conference Report Pages 45-54)		

NAVY LOWER TIER	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) *".	Bill Language None Report Language Page 186	Second, the Committee has added \$45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be threatened by ballistic missiles.	
NAVY LO	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Bill Language None Report Language Page 167-168	The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of \$45,000,000 to Navy Lower Tier and an increase of \$50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Therefore recommends an increase of \$170,000,000 over the budget	

NAVY LOWER TIER (Cont)	Conference Report on FY96 DoD Appropriation H.R. 2126; H. Rept. 104-344 (11/15/95).	
NAVY LOWE	Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	

ions

Statutory Language None

.

Report Language

Page 118

NAVAL THEATER BALLISTIC MISSILE DEFENSE

The conferees believe that the Navy's area wide (Lower Tier) and theater wide (Upper Tier) programs should be deployed as rapidly as possible. The Navy's current plan to build on existing ship platforms, the Aegis system, proven launch systems, and the operational Standard missile family has resulted in a cost effective, technically capable and manageable program that is planned to produce a user operational capability (UOES) Upper Tier system not later than FY 1999 with an initial operational capability (IOC) by 2001. The conferees are committed to a rapid and actual deployment of an effective sea-based missile defense system. The conferees direct the Department to place highest priority on proceeding with a development program that achieves deployment of the Navy Upper Tier system by the planned 2001 IOC. The conferees endorse fully funding the core program in the 5-year defense plan. The conferees direct that not less than \$200,442,000 shall be spent on Navy Upper Tier and not less than \$282,473,000 on Navy Lower Tier for research and development activities. Funding allocations through BMDO to the Navy for these programs should proceed expeditiously.

MEADS/CORPS SAM

MEADS/CORPS SAM	RPS SAM
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 54-55
SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-	(c) TERMINATION OF PROGRAMS.—The Secretary of
COUNTABILITY.	Defense shall terminate the following programs:
(a) ANNUAL BIMD PROGRAMS REPORT.—The Sec-	(1) The Corps Surface to Air Missile system
retary of Defense shall submit to the congressional defense	(Corps SAM).
committees an annual report describing the technical mile-	
stones, schedule, and cost of each ballistic missile defense	
program specified in subsection (c).	
(b) MATTERS TO BE INCLUDED.—Each report under	
subsection (a) shall list all technical milestones, program	
schedule milestones, and costs of each phase of development	
and acquisition, together with total estimated program	
costs, covering the entire life of each program specified in	
subsection (c).	

MEADS/CORP	ADS/CORPS SAM (Cont)	
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	
Bill Language Page 36-37		
(c) Covered Programs.—The reports under this sec-		
tion shall cover the following programs:		
(1) Theater High Altitude Area Defense		
(THAAD).		
(2) Patriot Advanced Capability-3.		
(3) Navy Lower Tier.		
(4) Navy Upper Tier.		
(5) Corps Surface-to-Air Missile.		
(6) Hawk.		
(7) Boost Phase Intercept.		
(8) National Missile Defense.		
(9) Arrow.		
		Π,

MEADS/CORPS	SAM (Cont)	
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD S. 1026; Sen. Rept.	FY96 DoD Authorization Bill Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37		
(10) Medium Extended Air Defense.		
(11) Any theater missile defense program or na-		
tional missile defense program which the Department		
of Defense initiates after the date of the enactment of		
this Act.		
(d) VARIANCE REPORTING REQUIREMENTS.—(1) In		
the annual report under this section, the Secretary shall de-		
scribe, with respect to each program covered in the report,		
any difference in the technical milestones, program schedule		
milestones, and costs for that program—		
(A) compared with the information relating to		
that program in the report submitted in the previous		
year; and		

<u>_ 0</u>	
面影	•
500	
¥Ы	
10 <u>14</u>	
ᅙᆩ	
当る	
⋖ =	
등회	
98	
Ş ĕ	
0 ::-	
28 at	٠,
E 0	
တ္မ	
ັ້ິ	
2)	
B 69	
nc 6/1	
ati 1	
rizati 131 (
horizati 4-131 (
uthorizati 104-131 (
) Authorizati ot. 104-131 (
loD Authorizatii lept: 104-131 (
3 DoD Authorizativ 7 Rept. 104-131 (
'96 DoD Authorizativ H. Rept. 104-131 (
FY96 DoD Authorizativ 30; H. Rept. 104-131 (
se FY96 DoD Authorizativ 1530; H. Rept. 104-131 (
ouse FY96 DoD Authorizativ R. 1530; H. Rept. 104-131 (
House FY96 DoD Authorizativ 4.R. 1530; H. Rept. 104-131 (
House FY96 DoD Authorizativ H.R. 1530; H. Rept. 104-131 (
House FY96 DoD Authorizativ H.R. 1530; H. Rept. 104-131 (
House FY96 DoD Authorizativ H.R. 1530; H. Rept. 104-131 (
House FY96 DoD Authorizativ H.R. 1530; H. Rept. 104-131 (

MEADS/CORPS SAM (Cont)

Bill Language Page 36-37

- (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.
- (2) Paragraph (1)(A) shall not apply to the first report submitted under this section.
- (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

MEADS/CORPS SAM (CONT)	Senate FY96 DOD Authorization Bill, S. 1026; Sen. Rept. 104-112 (7/12/95)	See <u>National Missile Defense</u> section for Nunn floor amendment on Corps SAM/MEADS (August 2, 1995)		
	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)			

MEADS/CORPS SAM (Cont)

Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC-3 and THAAD to

MEADS/CORPS SAM (Cont)

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language

None

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 115-116 produce a mobile hybrid system with 360 degree coverage. The committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAMMEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC—3. If implemented properly, production of the new system could be phased into ongoing PAC—3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and

Navy Upper Tier.

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

_
1
_
Ĕ
0
χ
U
5
_
Œ
12
U)
4.
ັດ
<u>a</u>
\mathbf{x}
\equiv
\mathbf{O}
\mathbf{C}
=
S
1
Ш
2

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95).

Report Language

None

Report Language Page 122

Other Theater Missile Defense Activities

The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, corrient program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be made and greater efficiencies will have to the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As ex-

Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.

The committee does recommend an increase of \$15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs.

—].	121
	Ī
- 1	
l	
3	
7.	
- 1	
1	
	٠.
3 1	
1	
	•
,	
	•
ł	•
1	
- 1	
	:

ADS/CORPS SAM (CONT)	S. 1124; H.Rept. 104-450 (1/22/96)	Report Language Page 861	Sense of the Senate on protection of United States from ballistic missile attack The Senate amendment contained a provision (sec. 1062) that would express the Sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, and that front line troops of the United States should be protected from missile attacks. The Senate provision would also provide funding for the Corps surface-to-air missile (SAM) pro-	gram. The House bill contained no similar provision. The Senate recedes. Although the conferees fully support the views expressed in the Senate provision, they believe that such views are adequately represented elsewhere in the conference report. The conferees also address the Corps SAM issue elsewhere in the conference report.	
MEADS/CORP	S, 1124; H.Rept. 104-450 (1/22/96)	Statutory Language None			

F
<u>'</u>
$\overline{}$
Y
O
_
5
7
\approx
U)
S
Δ
$\overline{\mathbf{C}}$
ㅈ
X
\boldsymbol{arphi}
Ŵ
Ä
7
7
Ш
5

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96),

Statutory Language None

Report Language Page 706

Corps SAM—The budget request included \$30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.
The conferees agree to authorize \$20.4 million for Corps SAM, a reduction of \$10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The concrees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC-3 and THAAD, reintegration of extechnologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than \$15.0 million may be obligated until such report has been submitted to the congressional defense committees. tive, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense commitisting systems and technologies may offer an achievable, cost-effectees on the options associated with the use of existing systems,

MEADS/Corps SAM	rps SAM
House FY96 DoD Appropriation Bill	Senate FY96 DoD Appropriation Bill
H.R. 2126; H. Rept. 104-208 (7/27/95)	S. 1087; Sen. Rept. 104-124 (7/28/95) ""
Bill Language	Bill Language
None	None
Report Language	Report Language
Page 168	None
The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of \$37,000,000 as proposed by the House National Security Committee. While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by \$10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short requestion measures which streamline acquisition and capitalize on the current PAC-3 development activities.	

MEADS/CORPS SAM (Cont)	STEVENS (R-AK) AMENDMENT TO INCREASE FUNDIGN FOR MEADS/CORPS SAM
	STEVENS (R-A

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Bill Language Page 29 provided, That of the funds appropriated in this paragraph, \$35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) pro-

gram:

PATRIOT ADVANCED CAPABILITY (PAC-3)

PAC-3	>.3
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 53-54
SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-	SEC. 234. THEATTER MISSHAR DEFTENSE ARCHITECTURE.
COUNTABILITY	(a) ESTABLISHMENT OF CORE PROGRAM.—To imple-
(a) ANNUAL BMD PROGRAMS REPORT.—The Sec-	ment the policy established in section 233, the Secretary
retary of Defense shall submit to the congressional defense	of Defense shall establish a top priority core theater mis-
committees an annual report describing the technical mile-	sile defense program consisting of the following systems:
stones, schedule, and cost of each ballistic missile defense	(1) The Patriot PAC-3 system, which shall
program specified in subsection (c).	have a first unit equipped (FUE) in fiscal year
(b) MATTERS TO BE INCLUDED.—Each report under	1998;
subsection (a) shall list all technical milestones, program	(2) The Navy Lower Tier (Area) system, which
schedule milestones, and costs of each phase of development	shall have a user operational evaluation system
and acquisition, together with total estimated program	
costs, covering the entire life of each program specified in	
subsection (c).	

(Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 53-54	(UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.	(3) The Theater High-Altitude Area Defense	ational evaluation system (UOES) capability in fis-	cal year 1997 and an initial operational capability	(4) The Naw Upper Tier (Theater Wide) svs-	tem, which shall have a user operational evaluation	system (UOES) eapability in fiscal year 1999 and	an initial operational capability (100) in fiscal year	2001.		
PAC-3 (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 36-37	(c) COVERED PROGRAMS.—The reports under this sec-	tion shall cover the following programs: (1) Theater High Altitude Area Defense	(THAAD).	(2) Patriot Advanced Capability-3. (3) Navy Lower Tier.	(4) Navy Upper Tier.	(5) Corps Surface-to-Air Missile.	(6) Hawk.	(7) Boost Phase Intercept.	(8) National Missile Defense.	(9) Arrow.	

	e FY96 DoD Authorization Bill s; Sen. Rept. 104-112 (7/12/95)	
(Cont)	Senate S. 1026	Rill Language
PAC-3 (Co	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	

Bill Language Page 36-37

- (10) Medium Extended Air Defense.
- (11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.
- (d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—
- (A) compared with the information relating to that program in the report submitted in the previous year; and

Bill Language Page 53-54

(b) INTEROPERABILITY AND SUPPORT OF CORE STSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in particular, the Space and Missile Tracking System (SMFS).

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) Bill Language Pace 36-37 (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered. (2) Paragraph (1)(A) shall not apply to the first report submitted under this section. (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not Inter than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.
--

		on the	
,	ion Bill 7/12/95)	mendment 2, 1995)	
	Ithorizat 04-112 (7	inn floor ai 3 (August	
	DOD AL	tion for Nu ning PAC-3	
	Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language See <u>Missile Defense Act</u> section for Nunn floor amendment on the Missile Defense Act concerning PAC-3 (August 2, 1995)	
(TN	Sen: S. 10	<u>Bill Language</u> See <u>Missile Defel</u> Missile Defense	
<u>O</u>		See M Missil	
PAC-3 (CONT)			
	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)		3.
	House FY96 DOD Authorization Bil H.R. 1530; H.Rept. 104-131 (6/1/95)		
	6 DOD / H.Rept		
	use FY9 R. 1530;		
	H9		

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Report Language Page 122	Coke Theater Missile Defense Programs The committee recommends the establishment of a core TMD program consisting of the Patriot PAC-3 system, the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995-99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of \$1.8 billion in fiscal year 1996. This includes an increase of \$45.0 million for Navy Lower Tier, an increase of \$170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities: —For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1998. —For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1999. —For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 2001. The committee also directs the Secretary to ensure that funds authorized for one TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests.
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	anguage	
	Report None	

PAC-3 (Cont)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/122/96) Salutory Language Sec the Missile Defense Act section for language on PAC-3 (Conference Report pages 734-734) See Ballistic Missile Defense Report language on PAC-3 (Conference Report pages 704-706) See Ballistic Missile Defense Report language on PAC-3 (Conference Report pages 704-706)

PATRIOT ADVANCED	OT ADVANCED CAPABILITY (PAC-3)
House FY96 DoD Appropriation Bill	Senate FY96 DoD Appropriation Bill
H.R. 2126; H. Rept. 104-208 (7/27/95)	S. 1087; Sen. Rept. 104-124 (7/28/95)
Bill Language	Bill Language
None	None

While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by \$10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC-3 development activities.

Report Language

Page 168

Report Language

Page 186

Third, the Committee has fully funded the development of the patriot, advanced capability [PAC-3] and theater high altitude area defense [THAAD] programs. These systems are essential to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

	S		
	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)		
	ati		
	<u> </u>		
	rence Report on FY96 DoD Approprit H.R 2126; H. Rept. 104-344 (11/15/95)		
	<u> </u>		
	4 E		
	8 4		
	<u>o</u> ∾		
	80		
3)	t. T	•	
Ġ	u də		
A	÷ ≅		
D	ŌΣ		
>	3e 26;		
	e 21	ଚ୍ଚା	
닐	E 64	nag	
B	ere H	ang	
Z Z	ut	7	
A	පි	Report Language None	
C		Repoi	
DVANCED CAPABILITY (PAC-3)			
川	SI		
12	ō		
IZ	ropriations 5/95)		
	ropri 5/95)		
12	5. 15.	,	
PATRIOT A	ğΞ		
10	I ∂ ¥		
	S 50		
F	6 [
1	୮ ୯ ≃		
	IL E	,	
	Se Se		
	I F		
	1 g .;		
	Conference Report on FY 96 DoD Appi H.R. 2126; H. Rept. 104-344 (11/1	<u>ae</u>	
	9 2	Language	
	E &	ans	
	Fe	y L	
	Ē	tor	
1	ပ	Statutory None	
	1	SZ	

BOOST-PHASE INTERCEPT

BOOST-PHAS	BOOST-PHASE INTERCEPT
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 54-55
SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-	(c) Termination of Programs.—The Secretary of
COUNTABILITY.	Defense shall terminate the following programs: (1) The Corps Surface to Air Missile system
retary of Defense shall submit to the congressional defense	(Corps SAM).
committees an annual report describing the technical mile-	(2) The Boost Phase Interceptor (BPI).
stones, schedule, and cost of each ballistic missile defense	
program specified in subsection (c).	
(b) MATTERS TO BE INCLUDED.—Each report under	
subsection (a) shall list all technical milestones, program	
schedule milestones, and costs of each phase of development	
and acquisition, together with total estimated program	
costs, covering the entire life of each program specified in	
subsection (c)	

ITERCEPT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language													
BOOST-PHASE INI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 36-37	(c) COVERED PROGRAMS.—The reports under this sec-	tion shall cover the following programs:	(1) Theater High Altitude Area Defense	(THAAD).	(2) Patriot Advanced Capability-3.	(3) Navy Lower Tier.	(4) Navy Upper Tier.	(5) Corps Surface-to-Air Missile.	(6) Hawk.	(7) Boost Phase Intercept.	(8) National Missile Defense.	(9) Arrow.	

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	 Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	Bill Language Page 54-55
(10) Medium Extended Air Defense.	
(11) Any theater missile defense program or na-	
tional missile defense program which the Department	
of Defense initiates after the date of the enactment of	
this Act.	
(d) VARIANCE REPORTING REQUIREMENTS.—(1) In	
the annual report under this section, the Secretary shall de-	
scribe, with respect to each program covered in the report,	
any difference in the technical milestones, program schedule	
milestones, and costs for that program—	

BOOST-PHASE INTERCEPT (Cont)

BOOST-PHASE INTERCEPT (Cont)	House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	(A) compared with the information relating to	that program in the report submitted in the previous	(B) compared with the information relating to	that program in the first report submitted under this	section in which that program is covered.	(2) Paragraph (1)(A) shall not apply to the first report	».	(e) DATE OF SUBMISSION.—The report required by	this section for any year shall be submitted not later than	30 days after the date on which the President's budget for	the next fiscal year is submitted, except that the first report	shall be submitted not later than 90 days, after the date of	
	796 Dc ; H. Re	rred wi	n the 1	ared u	in the	h tha	(1)(A	submitted under this section.	SUBM	, year	late o	is su	not la	

Report Language Page 131

Boost phase intercept (BPI)

To maximize defense effectiveness, ballistic missiles armed with early-release submunitions need to be attacked early in their flight trajectory. This represents a significant challenge for the defense, however. While generally supportive of the concept of boost phase intercept, the committee notes that the BPI program is at present unfocussed, with no workable system design yet defined. As a result, the committee recommends a reduction of \$20 million to the request.

Report Language Page 116

orher TMD ACTIVITIES—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend \$15.8 billion on the Patriot PAC-3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the stacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kineticenergy TMD systems that approach the threat fundamentally in the same technical manner.

The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC-3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The

Report Language Page 116

committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC—3. If implemented properly, production of the new system could be phased into ongoing PAC—3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Sceretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

	1
	١
=	1
=	
O	1
ŏ	1
	1
<u>ပ</u>	Į
	ł
Ω.	
ш	-
RCEP'	
PHASE INTERC	
$\mathbf{\alpha}$	1
П	
-	
Z	
111	
7	
HAS	
4	
~	
_	
О.	
ST	
S	
300	
O	
m	
س	

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 122

Other Theater Missile Defense Activities

The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core

TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.

Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.

The committee does recommend an increase of \$15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs.

BOOST-PHASE INTERCEPT (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language Boost-Phase Intercept—The budget request included \$49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BP1) program. The House bill would authorize \$29.1 million for the kinetic BP1 program. The House bill would authorize \$29.1 million for the kinetic BP1 program in PE 63870C. However, the Senate amendment would authorize \$15.0 million in the Other TWD (OTWD) program element (PE 63872C) to initiate a joint United States-Israel BP1 program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferes agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferes agree to authorize the use of up \$15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferess support on its mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of but sides. The conferess also support continued of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferess authorize the use of up to \$30.0 million, from within funds made available in the OTMD programs and options in time to inform the conferess are disappointed that the Department has not completed its review of BPI program sand options in time to inform the conferess agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV
BOOST-PHASE IN	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	None

BOOST PHASE INTERCEPT (Cont)	Conference Report on FY 96 DoD Appropriations Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	None None	
	Conference Rep H.R. 2126	Statutory Language None	

ARROW/ISRAELI PROGRAMS

		Ì
	4.4	
		•
	≡ 6	
	L S	ŀ
	E -	
	:2 R	
	ਲ ``	
	NO	
	ਰ –	
	E #	
	5 O	
	$ \mathbf{q} = \mathbf{q} $	
	o ∺	
	$\square \approx$	
	30	٠
	<u>ග</u> ⊏	
10	>- 0	
쓰	TT. O	
NMS	@ 65	
4	a. 0	
LI PROGRAM		
法	ഗ്	
\mathbf{S}	S	
O		
$\mathbf{\alpha}$		
Q		
/ISRAELI		-
7		
~		
!		
$\overline{\Omega}$		
5		
3		
51	≡ 12	
\simeq	_	
<u>L</u>	⊆ ∑	
E	<u>.</u>	
4	- 5	
	に の	
	ŌĿ	
	≨	
	=	
	무유	
	۲ K	
	7.	
,	以 I	
	₹	
	프 KI	
	യ്ത	
	2	
	ō m	
	工工	

Bill Language Page 36-37

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

- (a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).
- (b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).

Bill Language Page 358-360

SEC. 1055. STRATEGIC COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

(a) FINDINGS.—Congress makes the following find-

ings:

- (1) The President and Congress have repeatedly declared the long-standing United States commitment to maintaining the qualitative superiority of the Israel Defense Forces over any combination of potential adversaries.
- (2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including that of enhanced regional stability and technical cooperation.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-37	<u>Bill Language</u> <u>Page 358-360</u>
(c) COVERED PROGRAMS.—The reports under this sec-	(3) Despite the historic peace effort in which
ing programs:	ues to face severe potential threats to its national se-
(I) Ineater High Altitude Area Defense (THAAD).	curity that are compounded by terrorism and by the
(2) Patriot Advanced Capability-3.	proliferation of weapons of mass destruction and
(3) Navy Lower Tier.	danishe missiles. (4) Congress supports enhanced United States
(4) Navy Upper Tier.	coneration with Israel in all fields and especially
(5) Corps Surface-to-Air Missile.	in finding new ways to deter or counter mutual
(6) Hawk.	threats.
(7) Boost Phase Intercept.	
(8) National Missile Defense.	
(9) Arrow.	
(10) Medium Extended Air Defense.	

ARROW/ISRAELI PROGRAMS (Cont)

4	and the second second second second	
	Section V	
1	N 100 (N 100	ŀ
	*(1888) (SEC.)	L
	()	į
1	三 の	
		ŀ
1	·	
		İ
	\sim	i
. 1	· • • • • • • • • • • • • • • • • • • •	ļ
٠.	NO	
		ĺ
	\circ	
	= \(\tau_{\circ} \)	
	5 O	}
	$\bullet =$	
7	<u> </u>	ļ
	\approx 0	ŀ
- T		
_	ω	ŀ
ROGRAMS (Cont	Ç) ⊂	l
0 1	ا به -حرا	l
1	II LA	1
U		
	D :2	ı
	رس جيد	l
CO	© (V	
~		1
5	O 7-	
	(n)	l
2		
ш		
15		
ו ט		
Ā		i
U		
~		
		l
n	***************************************	-
	//////////////////////////////////////	i
H		l
		ı
7		
~		
سلسا		
CO	1.122334	
<u>S</u>	$\equiv \infty$	
/18	3 35 95	
V/ISR/	Bill 1/95	
W/IS	n Bill /1/95	
SI/M(on Bill 6/1/95	
SI/MO	tion Bill (6/1/95	
SI/MO	ation Bill 1 (6/1/95	
ROW/IS	zation Bill 31 (6/1/95	
ROW	ization Bill 131 (6/1/95	
RROW/IS	orization Bill -131 (6/1/95	
ROW	norization Bill 4-131 (6/1/95	
ROW	thorization Bill 04-131 (6/1/95	
ROW	uthorization Bill 104-131 (6/1/95	
ROW	Authorization Bill 104-131 (6/1/95	
ROW	. Authorization Bill t. 104-131 (6/1/95	
ROW	D Authorization Bill pt. 104-131 (6/1/95	
ROW	oD Authorization Bill ept. 104-131 (6/1/95	
ROW	3oD Authorization Bill 3ept. 104-131 (6/1/95	
ROW	DoD Authorization Bill Rept. 104-131 (6/1/95	
ROW	3 DoD Authorization Bill I. Rept. 104-131 (6/1/95	
ROW	96 DoD Authorization Bill H. Rept. 104-131 (6/1/95	
ROW	/96 DoD Authorization Bill H. Rept. 104-131 (6/1/95	
ROW	Y96 DoD Authorization Bill 3; H. Rept. 104-131 (6/1/95	
ROW	FY96 DoD Authorization Bill 30; H. Rept. 104-131 (6/1/95	
ROW	FY96 DoD Authorization Bill 530; H. Rept. 104-131 (6/1/95	
ROW	se FY96 DoD Authorization Bill 1530; H. Rept. 104-131 (6/1/95	
ROW	ise FY96 DoD Authorization Bill 1530; H. Rept. 104-131 (6/1/95	
ROW	ouse FY96 DoD Authorization Bill (. 1530; H. Rept. 104-131 (6/1/95	
ROW	louse FY96 DoD Authorization Bill R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill I.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	
ROW	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95	

Bill Language Page 358-360

- (b) UNITED STATES POLICY.—It shall be the policy of the United States that—
- (1) the President should ensure that any conventional defense system or technology offered by the United States for sale to any member nation of the North Atlantic Treaty Organization (NATO) or to any major non-NATO ally is concurrently made available for purchase by Israel unless the President determines that it would not be in the national security interests of the United States to do so; and

Bill Language Page 36-37

- (11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.
- (d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—
- (A) compared with the information relating to that program in the report submitted in the previous year; and.

	1 ==
	س
	i ⊙
	್
	N
	- O
	l 🗀
	₹
•	
_	
7	
IS (Con	*****
0	ြယ္
(1)	O
\subseteq	-
	LL.
CO	
<u>~</u>	2
MS	್
7	∞ ⊂
Q:	O
\sim	ဟ
GH	
Ō	
\mathbf{Q}	
Œ	
$\overline{}$	
-	
AEL	
4	
⋖	
~	
<u></u>	
ഗ	
	~~
S	⊂
	O
\mathbf{O}	∷ =
\sim	ω.
	.
	ı∞≍
1	
	<u></u>
	S
	Д Q(
	6
	Do
j	
	96
,	ုတ
	-
	_لا
	se F
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	୲୕ଌ
ļ	
	I
	130

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 36-37

- (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.
- (2) Paragraph (1)(A) shall not apply to the first report submitted under this section.
- (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

### Bill Language Page 358-360

S. 1026; Sen. Rept. 104-112 (7/12/95)

(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for achieving continued progress in cooperative United States-Israel research and development of theater missile defenses.

# **ARROW/ISRAELI PROGRAMS (Cont)**

S, 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

#### Report Language Page 131

#### Arrow

The committee directs that none of the funds authorized for Arrow may be obligated until the Secretary has certified in writing to the congressional defense committees that a U.S.-Israeli Memorandum of Agreement governing the next phase of U.S.-Israeli cooperation on missile defense has been signed. Along with such certification, the Secretary shall also include a report on the annual U.S. and Israeli funding necessary to implement, and any cost-sharing arrangements contained in the agreement.

#### Report Language Page 288

Section - 1055. Strategic cooperation between the United States and Israel.

The committee recommends a provision which expresses the sense of Congress supporting continued cooperation between the United States and Israel in military and technical areas; in particular, in missile defense systems. This provision calls for the elimination of unnecessary barriers to collaboration between the two allies in order to maintain Israel's qualitative edge over potential adversaries in conventional weaponry and missile defenses. The committee believes that both the United States and Israel

The committee believes that both the United States and Israel have benefitted from this collaborative effort. The committee recognizes that Israel is engaged in a peace initiative that could pose increased risks to its security. Maintaining Israel's defense qualitative edge is thus more critical now than perhaps at any other time. However, the committee also notes that U.S. national security concerns, such as the proliferation of weapons of mass destruction, must limit cooperation in certain technical areas.

V/ISRAELI PROGRAMS (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language  Page 860  Defense cooperation between the United States and Israel The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas. The House bill contained no similar provision. The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.	
ARROW/ISRAELI P	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	None None	

## **ARROW/ISRAELI PROGRAMS**

H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation*Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

Bill Language None Report Language Page 168 The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly \$500 million tack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is conon the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Comcerned about the total cost of the system, which some estimate to be as high as \$10 billion. There has also been some question about srael's commitment to deploy Arrow, as well as the degree to which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously from the Department of Defense. Therefore, the Committee directs that any, future funding request for the Arrow Weapon System should be budgeted within function 150 and should be considered surances from the Israeli government about its commitment to demittee supports efforts to defend Israel from ballistic missile atconsidered terminating the Arrow program. However, based on asployment and its recognition of its responsibility for production ö \$56,500,000. However, the Committee strongly believes that U.S. unding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding by the Foreign Operations Subcommittee on Appropriations for the requested amount Committee approves costs,

#### None

Bill Language

Report Language

**Page 186** 

Other theater missile defense/follow-on TMD activities acquisition—demonstration/validation.—The Committee fully supports the Department's continued participation in the ARROW program. The Committee expects the funds included in the budget request for the U.S. share of the bilateral ARROW development agreement to be available only for this purpose. The Committee also directs that \$3,000,000 of the available funds shall only be used to continue operation and maintenance of the Kauai test facility [KTF]. KTF is expected to continue to be required to support the development and testing of missile defense systems.

ropriations Conference Report on FY96 DoD Appropriations  Report Language None  None

## EXTENDED AIRBORNE GLOBAL LAUNCH **EVALUATION (EAGLE)**

Ľ	,	
ľ		
•	1	

LE) (CONT)	orization Bill 112 (7/12/95)			
OBAL LAUNCH EVALUATION (EAGLE) (CONT)	Senate FY96 DØD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	guage	Report Language None	
	on Bill ///195)	Bill Language None	Report I None	
<b>EXTENDED AIRBORNE GI</b>	House FY96 DOD Authorization H.R. 1530; H.Rept, 104-131 (6/1)			
EXTEND	House F H.R. 15	Bill Language None	Report Language None	

	-OBAL LAUNCH EVALUATION (EAGLE) (CONT)
Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
Statutory Language None	Report Language None

ĺ		Ì	
7	1		
•		(	
ļ			
4	2	- -	
'		_	,
	<		
	-	ا	
	1	_	ļ
	I	•	
1	Z	,	
		כ כ	
-	_	]	
•		֡֝֜֝֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜	֡
	1	֓֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜	
	_	١	
(		)	
I	1		
	1		
(	Ì	נ	
(	)		
•	<		
[	ı	]	
(	_	<u></u>	
	1	ĺ	
1	×	<	
ĺ	1	Ì	İ

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

#### Bill Language None

#### Report Language Page 169

The Committee recognizes the importance of the Extended Airborne Global Launch Evaluation (EAGLE) program. Therefore, the Committee strongly recommends that \$19.9 million, as requested in the fiscal year 1996 budget, be obligated for this program.

Report Language

Bill Language

None

	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)		
	2		
	ria S		
	Approprie (11/15/95)	*	
Ш	75		
닖	ā P		
9	<b>₹</b> E		
7	8 4		
(E	<b>△</b> ??		
Z	88		
0	> 5.		
F	5		
4	5 원		
	ヸ゙゙゠		
	ă		
4/	% 26		
	rence Report on FY96 DoD H.R 2126; H. Rept. 104-344 (	o)	*
_	5 %	<u>88</u>	
六	현포	181	
7	fe	<u>.</u>	
IJ	5	뒫	
A	O	<u>Report Language</u> <u>None</u>	
		Z Z	
E GLOBAL LAUNCH EVALUATION (EAGLE)			
34	ropriations  5/95		
<b>E</b>	<u>ō</u>		
	<b>a</b>		
G	ropri:  5/95		
111	ريز ويز ج		
	95		
K			· · · · · · · · · · · · · · · · · · ·
	<b>4 \( \)</b>		
	D 4		
BC	DoD /		
IRB	16 DoD A		
AIRBO	7 96 DoD A		
L AIRBO	FY 96 DoD A pt. 104-344 (		
IAL AIRBO	on FY 96 DoD <i>F</i> Rept. 104-344 (*		
RNAL AIRBO	rt on FY 96 DoD A I. Rept. 104-344 (*		
ERNAL AIRBO	oor on FY 96 DoD / ; H. Rept. 104-344 (*		
TERNAL AIRBO	eport on FY 96 DoD <i>f</i> 26; H. Rept. 104-344 (*	الدة	
XTERNAL AIRBO	Report on FY 96 DoD A	age.	
EXTERNAL AIRBORN	ice Report on FY 96 DoD / i. 2126; H. Rept. 104-344 (*	<u>iguage</u>	
<b>EXTERNAL AIRBO</b>	ence Report on FY 96 DoD <i>f</i> I.R. 2126; H. Rept. 104-344 (′	<u>-anguage</u>	
EXTERNAL AIRBO	erence Report on FY 96 DoD App H.R. 2126; H. Rept. 104-344 (11/	y Language	
EXTERNAL AIRBO	onference Report on FY 96 DoD # H.R. 2126; H. Rept. 104-344 (*	tory Language	
EXTERNAL AIRBO	Conference Report on FY 96 DoD <i>f</i> H.R. 2126; H. Rept. 104-344 (*	atutory Language	
EXTERNAL AIRBO	Conference Report on FY 96 DoD App H.R. 2126; H. Rept. 104-344 (11/1	Statutory Language None	

# CRUISE MISSILE DEFENSE

JISE MISSILE DEFENSE	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 59-61	SEC. 236. CRUISE MISSILE DEFENSE PATTATIVE.	(a) In General.—The Secretary of Defense shall	undertake an initiative to coordinate and strengthen the	cruise missile defense programs, projects, and activities of	the military departments, the Advanced Research Projects	Agency and the Ballistic Missile Defense Organization to	ensure that the United States develops and deploys highly	effective defenses against existing and future eruise mis-	sile threats.	(b) ACTIONS OF THE SECRETARY OF DEPENSE. In	carrying out subsection (a), the Secretary of Defense shall	ensure-that—	(1) to the extent practicable, the ballistic mis-	sile defense and ornise missile defense efforts of the
CRUISE MISS	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language None														

MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 59-61	Department of Defense are coordinated and mutu-	-ally reinforeing;	(2) existing air defense systems are adequately	upgraded to defend against existing and near-torm	eruise missile threats, and	-(3) the Department of Defense undertakes a	high priority and well coordinated technology devel-	opment program to support the future deployment of	-systems that are highly effective against advanced	ornise missiles, including cruise missiles with low ob-	servable features.	(c) IMPLEMENTATION PLAN. Not later than 60	days after the date of the enactment of this Act, the Sec-	retary of Defense shall submit to the congressional defense
CRUISE MISSILE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language None														

MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 59-61  committees a detailed plan, in unclassified and classified	forms, as necessary, for carrying out this section. The plan-	shall include an assessment of—  (1) the systems that eurrently have eruise mis-	sile defense capabilities, and existing programs to	(2) the technologies that could be deployed in	the near to mid term to provide significant advances	over existing eruise missile defense espabilities, and	the investments that would be required to ready the	<u>tochnologies for deployment;</u>	
CRUISE MISSILE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language None									

DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 59-61	(3) the cost and operational tradeoffs, if any,	between upgrading existing air and missile defense	systems and accelerating follow on systems with sig-	nificantly improved capabilities against advanced	cruise missiles, and	(4) the organizational and management changes	that would strengthen and further coordinate the	cruise missile defense efforts of the Department of	Defense, including the disadvantages, if any, of im-	plementing such changes.		
CRUISE MISSILE DEFENSE (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language None												

MISSILE DEFENSE (CONT)	Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language	See <u>Missile Defense Act</u> for Nunn amendment on the Missile Defense Act concerning Cruise Missile Defense (September 5, 1995)	
CRUISE MISSILE D	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)		S A	

# CRUISE MISSILE DEFENSE (Cont)

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 78-79, 135

DEFENSE: WIDE PROGRAMS SPECIAL CONSIDERATIONS

Cruise missile defense

Along with the threat posed by ballistic missiles, the committee is concerned about the growing threat posed by cruise missiles. Cruise missiles, particularly those capable of land-attack roles, could quickly become as equally threatening to deployed U.S. forces as ballistic missiles.

The committee believes that certain prudent steps should be taken to prepare for the day when U.S. and allied forces could face an enhanced cruise missile threat.

## Continued advanced research and development

The impact of cruise missiles on the battlefield will likely grow with time. While the above efforts are excellent first steps to meet most first and second generation systems requirements and are ideal for regional contingencies, ARPA should continue its fundamental mission of pursuing advanced sensor and system concepts, as well as understanding and countering critical gaps through special studies. The committee recommends an additional \$35 million in PE 63226E for these purposes.

### Report Language Page 106, 119, 124

Cruise Missile Proliferation

The committee is concerned about the growing threat posed by cruise missiles. At least a dozen countries now have land-attack cruise missiles under development. Several of those countries appear willing to export complete systems, including systems with low observable features and component technologies and development expertise. The widespread availability of cheap guidance, navigation, and digital mapping technologies would enable developing countries to convert widely proliferated anti-ship cruise missiles and unmanned aerial vehicles to land-attack roles. Cruise missile accuracy and aerodynamic stability make them excellent platforms for delivery of biological and chemical agents, which could threaten U.S. and allied projection forces.

Given the emerging cruise missile threat, the committee believes that certain prudent measures should be taken, and recommends an increase of \$35.0 million in program element 0203801A to upgrade Patriot PAC-1 missiles to provide an improved anti-cruise missile capability. Further details of this recommendation are contained in the report section on Army research, development, test, and evaluation (RDT&E) programs.

### Report Language Page 78-79, 135

### Consolidated management

The committee is also aware of organizational problems in the area of cruise missile defense. Various organizations ranging from the military services to ARPA and the Office of the Under Secretary of Defense for Acquisition and Technology to the Ballistic Missile Defense Organization, are pursuing programs and have management responsibility for cruise missile defense. Such diffusion of effort clearly undermines the ability of the Department to achieve timely results in developing systems that are capable of countering the cruise missile threat.

Therefore, the committee directs the Secretary of Defense to review the existing organizational and management structure for cruise missile defense-related activities to achieve program consolidation. The committee urges the Secretary to review the recommendations of the Defense Science Board regarding the appropriate management structure for pursuing an effective cruise missile program for the Department. The Secretary shall report the results of the review to the congressional defense committees not later than February 15, 1996.

Cruise missile desense advanced concept technology demonstration

The budget request included \$7 million in PE 63750D for support of the cruise missile defense advanced concept and technology demonstration (ACTD). The committee understands that the Department of Defense has increased the priority of cruise missile defense in order to develop and deploy cruise missile defenses as a complement to ballistic missile defenses in an integrated theater air defense architecture. The committee recommends an increase of \$8 million for simulation and analysis of cruise missile defense options being demonstrated in this ACTD in support of the Joint Staff and Office of the Secretary of Defense tradeoff examinations of how best to defend dephysed U.S. forces against cruise missile attack.

## Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 106, 119, 124

## Cruise Missile Defense Initiative

In a significant departure from the Missile Defense Act of 1991, the Missile Defense Act of 1995 addresses the threat posed by existing and emerging cruise missiles. The committee believes that CMD has not been given the degree of attention warranted by the threat, and notes with concern the intelligence community's estimate that at least twelve countries have land-attack cruise missiles under development. Although there are many programs in the Department of Defense involving CMD, for the most part these have not been sufficiently emphasized, funded, or coordinated. The committee believes that the Secretary of Defense should seek to coordinate and leverage activities involving air defense, CMD and BMD to maximize supergines.

to maximize synergies and cost savings.

The committee directs the Secretary of Defense to coordinate the department's CMD and BMD efforts and to ensure that existing air defense systems are upgraded to improve capabilities against cruise missiles. The committee also directs the Secretary to undertake a high priority development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missile with low observable features. Finally, the committee directs the Secretary to prepare a plan for implementing a cruise missile defense initiative, including an assessment of organizational and managerial changes that could strengthen and further coordinate the cruise missile defense activities of the Department of Defense. The committee recommends a substantial increase in funding for cruise missile defense activities, which is described in a separate funding section below.

Report Language Page 78-79, 135

### Report Language Page 106, 119, 124

## Cruise missile defense funding

The committee has become increasingly concerned by the growing threat of cruise missiles. The committee is particularly alarmed by the emerging threat posed by land-attack cruise missiles, especially those that employ low observable technologies. Although the Department of Defense has a number of programs designed in part or whole to deal with this threat, the committee believes that more committee therefore recommends a provision, as part of the Missile Defense Act of 1995, that would establish a Cruise Missile Defense Initiative. To support this effort, the committee recommends a funding increase of \$145.0 million for various cruise missile defense programs and activities. The allocation of this proposed increase is presented below.

The committee endorses the Defense Science Board's recommendation to enhance existing air defenses through improved connectivity among existing shooter and sensor assets. To help foster this improved connectivity, the committee recommends an additional \$15.0 million to accelerate joint programs between the Advanced Research Projects Agency (ARPA) and the military services. Specifically, the committee recommends an increase of \$5.0 million in each of the following three service program elements for ARPA/Service seeker development: (1) 0603009A TRACTOR HIKE; (2) 0207163F AMRAAM; (3) 0603746N RETRACT MAPLE.

The most serious aspect of the emerging cruise missile threat is the severe reduction it will cause in available battlespace to detect and intercept low-flying, low-observable missiles. Existing and planned improvements in theater air defenses will not restore that battlespace. Fortunately, advanced sensors and sensor platforms being developed by ARPA and the services are maturing and offer vastly improved capabilities to detect and track low-observable targets at ranges of several hundred kilometers. Fixed-wing platforms offer flexibility for a centralized airborne surveillance and fire control system. By contrast, lighter-than-air platforms, including

### H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi

Report Language Page 78-79, 135

Page 106, 119, 124 Report Language

risks, and acquisition time, at some marginal degradation in operational flexibility. Life-cycle costs also favor lighter-than-air options over fixed-wing alternatives. To explore this potential, the committee recommends an additional \$5.0 million in PE 0603009A for aerwould provide sufficient payload volume, weight, and power to carry the sensors capable of providing three dimensional target resolution sufficient to acquire a target at considerable standoff ranges, and provide target illumination and data link services for ostat risk reduction evaluations jointly conducted by ARPA and the cost-effective alternative to the airborne sensor problem. Airships cost, technical a beyond the horizon intercept. Hence, the committee recommends an increase of \$60.0 million in PE 0603238N to begin the development of an airship and mission system that is militarily significant in scope, of full size and operationally capable of demonstrating a counter-cruise missile capability for ground and naval forces. The committee also recommends an additional \$10.0 in PE 0603226E to Army. The committee believes that airships may offer the most support ARPA's classified cruise missile defense activities. serostate and airenips, would significantly reduce

encourages the Navy's efforts to include the Army and the Air Force in the CEC program. CEC integration into systems such as Patriot, Hawk, THAAD and AWACS appears to be quite promising. The committee, therefore, recommends an increase of \$20.0 million in PE 0603755N to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile The committee is particularly supportive of the Navy's Cooperative Engagement Capability (CEC) program, which will dramatically enhance air and missile defense effectiveness. The committee defense.

The committee is aware of a proposal to refurbish and upgrade existing Patriot missiles within the Army's current inventory to supports this upgrade. The committee, therefore, recommends an increase of \$35.0 million in PE 0203801A for the first year of a would provide a new seeker for older Patriot missiles to optimize provide an improved anti-cruise missile capability. This effort their performance against cruise missiles. The committee strongly three-year rescarch and development effort for the proposed up-

# CRUISE MISSILE DEFENSE (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language Page 59-60

SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) In GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EF-FORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting

and that those programs are mutually supporting.

(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

### Page 708-709

Report Language

Cruise missile defense funding

The House bill would authorize an increase of \$76.0 million above the budget request for cruise missile defense programs, projects, and activities.

"The Senate amendment would authorize an increase of \$145.0 million above the budget request for a similar group of programs, projects, and activities."

projects, and activities.

The conferees agree to authorize an increase of \$85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

# CRUISE MISSILE DEFENSE (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language Page 59-60

# (d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.

(4) The organizational and management changes that

(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

### Report Language

### Page 736

## Cruise missile defensa initiative (sec. 274)

The Senate amendment contained a provision (sec. 236) that would establish a cruise missile defense initiative. The provision would require the Secretary of Defense to strengthen and coordinate the cruise missile defense programs of the Department of Defense, and provide Congress with a report describing the Secretary's plans for implementing this provision.

The House bill contained no similar provision. The House recedes with a clarifying amendment.

	၂၀ ဗ
	C O
	Conference Report on FY96 DOD Autho S. 1124; H.Rept. 104-450 (1/22/96
	<b>4</b> ~
į	5 T
	U RO
	_ 4
	<b>60 1</b>
. 1	9 %
	1> <b>=</b>
	BL.
$\frown$	O 0
	4 6
<b>–</b>	
_	9 T
$\mathbf{O}$	<u> </u>
$\sim$	O 🚓
O	$\mathbb{Z} \otimes \mathbb{Z}$
ン	
	× +
CRUISE MISSILE DEFENSE (CONT)	<u>                                   </u>
10	<b>□</b> //
<u>~</u>	2.7
Z	<u> </u>
$\overline{\mathbf{m}}$	<b>4</b>
ш	<b>-</b>
ᄔ	0
111	O
$\Box$	
ш	
ئے	796 DOD Authorization 04-450 (1/22/96)
70	[ <b>O</b>
U)	<b> </b>
S	_ C
<b>~</b>	N
=	ľC
2	ထ ဝ
	ا عا
Ш	<b>₩</b>
'n	
<u> </u>	⁷ 96 DOD Aı 04-450 (1/2
=	I A T
~	IO 0
<del></del>	マラ
O	7
_	ဖြင့် 🚣 💮
	(D) 🔀 🧼
,	I>- ≥
*	L Y
	البيا
	I 🗏 🕰
	O 01
	+ 4
	I 🛛 I
	<u> </u>
	<b>1</b> ♥ ↔
	ic ジ
	1 <del></del>
	1 % <del>(</del>
	12 ·
	I S //
	15 m
	e er
	14
	l =
	10
	l()
	ľ

ization

### Statutory Language Page 59-60

(f) Definition.—For the purposes of this section, the term "cruise missile defense programs" means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

### Report Language Page 670

Cooperative engagement capability

The budget request included \$180.0 million in PE 63755N for development of the cooperative engagement capability (CEC).

The House bill would authorize the requested amount, but would direct that no more than \$102.0 million be obligated until the Secretary of Defense notifies the congressional defense committees that the test and evaluation master plan for the CEC program has been approved by the Director, Operational Test and Evaluation.

The Senate amendment would add \$22.5 million to continue accelerated development of the airborne component of CEC and an additional \$20.0 million to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.

The conferees agree to an additional \$42.5 million for CEC for the purposes described in Senate amendment. The House recedes from its funding limitation. The conferees note the concerns expressed in the House report (H. Rept. 104–131) regarding developmental testing and independent operational testing required to insure that the CEC is operationally effective and suitable when deployed to the fleet. They direct the Secretary of the Navy to submit to the congressional defense committees, by March 31, 1996, a report on the status of plans for developmental and independent operational testing of the CEC.

DEFENSE (CONT)	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language None	Report Language None	
CRUISE MISSILE	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)	Bill Language None	Report Language None	

Conference Report of H.R. 2126; H. F.	Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	priations Conference Report on FY96 DoD Appropriations 95) H.R 2126; H. Rept. 104-344 (11/15/95)
Statutory Language None		Report Language None

Senate FY96 DoD Authorization Bill S 1026: Sep. Bant 104 113 (7/13/05)	Bill Language Page 67	(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, com-	mand, control, communications, and intelligence (BM/C3I) shall be covered in the "Other Theater Missile De-	fense Activities" program element or the "National Missile Defense", program element, as determined on the basis of	the primary objectives involved.		
on Bill 6/1/95)	1	<u> </u>	# O	<u>ਜ਼</u> ਹ	<del></del>		
House FY96 DoD Authorization H.R. 1530; H. Rept. 104-131 (6/						• .	•
House FY96 H.R. 1530; H.	anguage						
	Bill Lan None						

### Report Language Page 78

Improving battle management command, control and communications (C3)

The committee endorses the Defense Science Board's call for enhancing existing air defenses through improved connectivity among the military services' varied senor and "shooter" assets. The committee directs the Secretary of Defense to insure such conectivity among the C3 capabilities of the Navy (Cooperative Engagement Capability), Air Force (Joint Tactical Information Distribution System/Link 16), and Army ("Digitized Battlefield"). The committee requests that the Secretary provide a report to the congressional defense committees on the Department's actions to insure connectivity in this area by May 1, 1996.

### Report Language Page 115

The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control, and of individual missile defense command and control forts by the services, notably the Nary's Cooperative Engagement Capability (CEC) and the Army's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to examine the command and control requirements for effective theater missile defenses, in light of the numerous programs currently under development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent paths, with little interaction between them; and even less effort on the requirement for their ultimate integration into a "seamless" theater-level command and control network under the control of a Theater CINC. The committee sees little evidence that Theater CINC3—the ultimate users—have been consulted as to their preferences for the design and operation of theater missile defense command and control centers. Moreover, any command and control lauding such variants as the CINC's initial command center being remote from the theater of operations from shipboard with a subsequent transfer of command and control authority to a facility ashore. Finally, the theater missile defense command and control authority to a facility ashore. Finally, the theater missile and cruise missile threats within the theater. Because of the evident complexity of the theater missile defense command and control problem, the committee directs the Secretary of Defense to expand the charter and focus of this ongoing study effort. This effort should involve close consultation and interaction with Theater CiNC's experding the development of a seamless" commend and control enformation, and interaction, whether land or sea based.

CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language	See <u>Missile Defense Act</u> section for report language on BM/C3. (Conference Report pages 731-732)	See Ballistic Missile Defense Funding section for report language on BM/C3. (Conference Report pages 704)	
BM/C3 (CONT	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language	See the Missile Defense Act section for language on BM/C3. (See Sections 234, 233, 235, and 251; Conference Report Pages 45-54)	S	

House FY96 DOD Appropriation H.R. 2126; H.Rept. 104-208 (7/27)  Bill Language None  None
------------------------------------------------------------------------------------------

BM/C3	
Conference Report on FY 96 DoD Appropriations Con H.R. 2126; H. Rept. 104-344 (11/15/95)	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)
Report Language None	nguage

NATIONAL MISSILE DEFENSE

NATIONAL MISSILE DEFENSE	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-52	SEC. 231. SHORT TITLE.	This subtitle may be eited as the "Missile Defense-	Act of 1995".	SEC. 282. FINDINGS.	Congress makes the following findings:	(1) The threat that is posed to the national so-	ourity of the United States by the proliferation of	ballistic and cruise missiles is significant and grow-	-ing, both quantitatively and qualitatively.	(2) The deployment of Theater Missile Defense	-systems will deny potential adversaries the option of	escalating a conflict by threatening or attacking	United States forces, coalition partners of the Unit-	
NATIONAL MIS	ouse FY96 DoD Authon: 3. 1530; H. Rept. 104-13	Bill Language Page 31-33	SEC. 231. SHORT TITLE.	This subtitle may be cited as the "Ballistic Missile De-	fense Act of 1995".	SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE	UNITED STATES.	It is the policy of the United States—	(1) to deploy at the earliest practical date highly	effective theater missile defenses (TMDs) to protect	forward-deployed and expeditionary elements of the	Armed Forces of the United States and to complement	and support the missile defense capabilities of friend-	ly forces and of allies of the United States; and		

_
$\Xi$
5
Ŏ
C
M
<u>ග</u>
II
Ü
2
Щ
ᆜ
S
<u>ග</u>
Ξ
4
Ž
0
F
4
Z

## H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

#### Bill Language Page 31-33

(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

## SEC. 233. IMPLEMENTATION OF POLICY.

- (a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.
- (b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense shall develop for deployment at the earliest practical date an affordable, operationally-effective National Missile De-

## Senate FY96 DoD Authorization Bill S, 1026; Sen. Rept. 104-112 (7/12/95)

### Bill Language Page 49-52

ed-States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and al-

States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not forecast within the next 10 years there are ways for de-

		l
		l
	35	l
	œ≍	l
	Ę÷	ļ
		ŀ
	82 2	l
	12 12 12 12	
	2	İ
	<b>5</b> 0	l
	Ø F	
	包括	
	ട് ഇ	
E	 Τ	
Ĕ	Ø ⊆	
ပ္ပ	S S	
	6 : 3	
	28 at 18	
10	ËΟ	
<del>y</del>	တ်	
iii	S	
正		
Ш		
Ш		H
=		
S		
알		
Σ		
	)	
7	<b>≅</b> 8	1
7	E X	
	<b>₩</b>	
$\mathbf{\Sigma}$	i# ``	
	N C	
2	ōΞ	
Z	<b>₹</b> 8	
	3 -	
	೧ ಕ	
	ဝမ	
	36 T	
	> ::	
	<u> </u>	
	\$e 15	
-	3	
	至二	
	-	
		_

### Bill Language Page 31-33

fense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:

- (1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.
- (2) Fixed, ground-based radars.
- (3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and

### Bill Language Page 49-52

termined countries to acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

- its allies of effective defenses against ballistic missiles of all ranges, as well as against ornise missiles, will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.
- (5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction be-

\ L	L	1
		ı I
< 12 C		֭֝֟֜֜֜֝֜֜֜֜֜֓֓֜֜֜֜֜֜֜֜֜֜֜֜֓֓֓֜֜֜֜֡֓֜֜֜֜֜֡֡֡֓֜֜֜֡֡֓֜֜֡֡֡֡֡֓֜֡֡֡֓֜֜֡֡֡֡֓֜֡֡֡֡֜֜֡֡֡֡֡֡
	1	<u>ַ</u>
4		-

## S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

#### Bill Language Page 31-33

Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

- (4) Battle management, command, control, and communications.
- (c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—
- (1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and

### Bill Language Page 49-52

- tween strategic defense and nonstrategic defense, is technologically and geostrategically outdated.
- (6) The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in a multipolar world and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

VAL MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-52	(7) By undermining the credibility of, and incentives to pursue, destabilizing first-strike strate-	-gies, theater and national missile defenses can con-	tribute to the maintenance of strategic stability as missile threats proliferate and as the United States	and the former Soviet Union significantly reduce the	frumber of strategic nuclear forces in their respective	inventories.	(8) Although technology control regimes and	-other forms of international arms control can con-	tribute to nonproliferation, such measures are inad-	equate for dealing with missile proliferation, and	should not be viewed as alternatives to missile de-	fenses and other active and passive defenses.
NATIONAL MISSIL	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 31-33	(2) the deployment of a national missile defense system which meets the requirements specified in sub-	section (b).										

7	3
2	=
	?
9	•
11	ı
Ū	5
Ž	Ž
u	J
L	Ī
<b>L</b>	1
	]
u	l
=	ï
U	)
	<u>)</u>
UIS	5
	•
	֡֡֡֜֜֡֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֜֡֡֜֜֜֜֡֡֡֜֜֜֜֜֡֡֜֜֜֡֡֡֡
7	;
7	5
7	_
	-
7	<u>ا</u>
	_

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Bill Language Page 36-42

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

- (a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).
- (b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c)::

### Bill Language Page 49-52

(9)—Due to limitations in the ABM Treaty which preclude deployment of more than 100-ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

## SEC. 222, MISSILE DEFENSE POLICY.

It is the policy of the United States to

(1) deploy as soon as possible highly effective theater missile defenses capable of countaring existing and emerging theater ballistic missiles;

NATIONAL MISSILE DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-52	(2) deploy a multiple site national missile de-	fense system that (A) is highly effective against lim-	ited ballistic missile attacks on the territory of the	United States, and (B) will be augmented over time	to provide a layered defense against larger and more	sophisticated ballistic missile threats,	(3) improve existing cruise missile defenses and	deploy as soon as practical defenses that are highly	effective against advanced cruise missiles;	(4) pursue a focused research and development	program to provide fellow on ballistic missile defense	options;	
NATIONAL MISSILI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 36-42	(c) COVERED PROGRAMS.—The reports under this sec-	tion shall cover the following programs:	(1) Theater High Altitude Area Defense	(THAAD).	(2) Patriot Advanced Capability-3.	(3) Navy Lower Tier.	(4) Navy Upper Tier.	(5) Corps Surface-to-Air Missile.	(6) Hawk.	(7) Boost Phase Intercept.	(8) National Missile Defense.	(9) Arrow.	

1	
7	=
-	5
Č	١
Z	
ш	1
Ū	1
5	,
ii	1
ii	
II	Ì
7	١
-	
Ш	į
=	Į
u	5
Ü	ì
=	_
2	
	ı
7	
7	
	-
$\underline{\mathcal{C}}$	•
F	•
4	•
Z	į
	•

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

### Bill Language Page 36-42

- (10) Medium Extended Air Defense.
- (11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.
- (d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—
- (A) compared with the information relating to that program in the report submitted in the previous year; and

# Senate FY96 DoD Authorization Bill Sen. Rept. 104-112 (7/12/95)

- (5) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, eruise missile defenses, and national missile defenses, and
- (6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense only form of deterrence as the basis for strategic stability.

NATIONAL MISSILE DEFENSE (Cont)	e FY96 DoD Authorization Bill 530; H. Rept. 104-131 (6/1/95) S. 1026; Sen. Rept. 104-112 (7/12/95)	
	House FY96 DoD Au H.R. 1530; H. Rept. 1	

#### Bill Language Page 36-42

- (B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.
- (2) Paragraph (1)(A) shall not apply to the first report submitted under this section.
- (e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

### Bill Language Page 56-59

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC.

### TORE:

- (a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability (IOC) by the end of 2003. The national missile defense system to be developed for deployment shall include the following:
- —(1) Ground based interceptors deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive cov-

1
0
9
Ш
S
Z
Ш
品
_
111
=
Ŋ
<u>0</u>
5
_
7
$\leq$
Ž
O
二
4
Ž
_

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

### Bill Language Page 36-42

SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.

(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.

Senate FY96 DoD Authorization Bill S. 1025; Sen. Rept. 104-112 (7/12/95)

### Bill Language Page 56-59

- sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.
- (3) Battle management, command, control, and eommunications (BM/C3).
- (b) Internal Operational Capability.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defence shell

NATIONAL MISSIL	NATIONAL MISSILE DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-42	Bill Language Page 56-59
(b) Ballistic Missile Defense and Strategic —	develop an interim national missile defense capability, con-
STABILITY.—(1) The Congress views the deployment of bal-	sistent with the technical requirements and schedule of
listic missile defenses as a strategically stabilizing measure.	such objective system, to be operational by the end of
(2) The deployment of Theater Missile Defense systems	1999. In developing this eapability the Secretary shall
at the earliest practical date pursuant to section 232(a)(1)	make use of —
will deny potential adversaries the option of escalating a	(1) developmental, or user operational evalua-
conflict by threatening or attacking United States forces,	tion system (UOES) interceptors, radars, and battle
coalition partners of the United States, or allies of the Unit-	management, command, control, and communica-
ed States with ballistic missiles armed with weapons of	tions (BM/C3), to the extent that such use directly
mass destruction to offset the operational and technical ad-	supports, and does not significantly increase the cost
vantages of the United States and its coalition partners and	of, the objective system specified in subsection (a);
allies.	

NATIONAL MISSII	AL MISSILE DEFENSE (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 36-42	Bill Language Page 56-59
(3) The deployment of a National Missile Defense sys-	(2) one or more of the sites that will be used
tem at the earliest practical date pursuant to section	as deployment locations for the objective system
2.32(a)(2) against the threat of limited ballistic missile	_specified in subsection (a);
attacks—	(3) upgraded early warning radars, and
(A) will strengthen deterrence at the levels of	—(4) space-based sensors.
forces agreed to by the United States and Russia	(c). USE OF STREAMLINED ACQUISITION PROCE-
under the Strategic Arms Reduction Talks Treaties	DURES. The Secretary of Defense shall prescribe and use
(START-I and START-II); and	streamlined acquisition procedures to—
(B) would further strengthen deterrence if reduc-	_(1) reduce the cost and increase the efficiently
tions below the levels permitted under START-II	of developing the national missile defense system
should be agreed to in the future.	specified in subsection (a), and
(c) Presidential Discussions With Other Na-	(2) ensure that the interim national missile de-
TIONS.—(1).The Congress—	fense eapabilities developed pursuant to subsection
(A) hotes that on the basis of section 235 it is	(b) are operationally effective and on a path to fulfill

								 	<del></del>	 i .	
(	he objec-	-In addi-	absection	st saving	effective-	and (b),	risk. The	arraseruc-	xisting or		191
795	<del>1 30</del>	<b>1</b>	S S	8	量	\$	1	<del>7</del> 9	4		

	(C)
	0
	•
	NO
	· · · · ·
	9
	50
- 1	
- 1	
- 1	
	- LL
_	ယ္က
=	(V) =
Q	- Y
	m · -
	Senate FY96 DoD Authorization E S. 1026; Sen. Rept. 104-112 (7/12
Ш	@ CJ
70	
<u>U</u>	φ
Z	(O)
$\overline{\mathbf{n}}$	U)
ш	
u_	
111	
=	
Ш	
NATIONAL MISSILE DEFENSE (Cont)	
S	
7	1
U	
2	
لے	- 10
7	uthorization Bill
1	
Z	ICI
$\equiv$	1 5 6
U	I
-	(C)
-	Authorizat
4	E +
_	123
Z	<b>1</b> ₩ >
	L CO L
	1.0
	IXI
	12
	17.0
	1 4 6
	9 6
	use 15
	Since of the
	I O n
	1 7 "

### Bill Language Page 36-42

no longer necessary for the United States to continue discussions with Russia to clarify the distinction between ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;

(B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and

(C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow-defense against a limited ballistic missile attack that would

### Bill Language Page 56-59

the technical requirements and schedule of the object

tive system.

(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subscotions (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:

(4) The use of existing facilities and infrastr

ture.

(2) The use, where appropriate, of existing or upgraded systems and technologies.

# NATIONAL MISSILE DEFENSE (Cont)

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

### Bill Language Page 36-42

have included (among other measures) permitted deployment of as many as four ground-based interceptor sites in addition to the one site currently permitted under the ABM Treaty and unrestricted exploitation of ground-based and space-based sensors.

(2) In light of the findings in paragraph (1), Congress urges the President to pursue high-level discussions with Russia to amend the ABM Treaty to permit—

(A) deployment of the number of ground-based ABM sites necessary to provide effective defense of the entire territory of the United States against limited ballistic missile attack; and

(B) the unrestricted exploitation of sensors based within the atmosphere and in space.

# Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language Page 56-59

(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.

(e) Report on Plant for Derionment—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following mat-

ters:

(1) The Secretary's plan for earrying out this

section.

	-
4	ک
. 8	
- (	Э
1	•
7	_
Ц	Ų
U	ŋ
7	<u> </u>
ī	ī
Н	ш
Ü	Ļ
Ш	U
-	1
-	-
Ш	J
	Ī
	=
U	)
ŭ	ń
_	_
5	5
	-
_	ı
	7
_	•
4	
C	)
=	-
H	_
4	ľ
7	ř
	٠,

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

## nt. 104-131 (6/1/95)

Bill Language Page 36-42

- (3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—
- (A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;
- (B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

# Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language Page 56-59

- -(2) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost effective ness or the operational effectiveness of such system by adding one or a combination of the following:
- (A) Additional ground based interceptors at existing or new sites.
- (B) Sea-based missile defense systems.
- (C) Space-based kinetic energy intercep-

<del>1018</del>.

(D) Space-based directed energy systems.

	ro
	<b>ം</b> ≕് ത
	zation Bill 2 (7/12/95)
	<b>1</b> ∞0 >~
	<b></b>
	<u></u>
	- S O
	✓ √
-	₩
7	$\sim$
<u> </u>	
	<b>(0</b>
Ÿ	~ ~
(1	
$\mathbf{y}$	Senate FY96 DoD Authoriz S. 1026; Sen. Rept. 104-112
Ш	<b>■ Ø %</b> ~
46	بينيوا
U)	₩ CV
	(I) <del>-</del>
	- T
ш	
11	U)
-	
111	
=	
ш	
	36.60.000000000000000000000000000000000
7	
Uj	
iń	
U,	
5	
ليه	= ×
-	m w
4	
4	റ ഗ
NATIONAL MISSILE DEFENSE (Cont)	Authorization Bill 104-131 (6/1/95
	w T
_	N C
	$\sim$ $\sim$
Œ	
	CV
	<b>₩</b> ₩₩•
	- O O
	$\sim 10^{\circ}$
	I m
	∎×I
	<b>■</b> ×′ · · ·
	$\mathbf{I}$ $\mathbf{I}$ $\mathbf{I}$
	m n,
	<u> </u>
	or
	- 10/0500 TV
	1.99Y/3/48T3Z

#### Bill Language Page 36-42

- and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—
- (i) the sharing of early warning information derived from sensors deployed by the United States and other states;
- (ii) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components: and

u	)
C	١
_	4
	-

NATIONAL MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Page 36-42
DEFENSE (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	

(iii) operational level planning to exploit

current missile defense capabilities and to help define future requirements.

L MISSILE DEFENSE (CONT)	Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language	See <u>Missile Defense Act</u> for Nunn amendment on the Missile Defense Act concerning NMD (September 5, 1995)			
NATIONAL MISSII	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)					

- MISSILE DEFENSE (CONTINUED) & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED	STATES FROM BALLISTIC MISSILE ATTACK.	(a) FINDINGS.—The Senate makes the following find-	ings:	-(1) The proliferation of weapons of mass destruc-	tion and ballistic missiles presents a threat to the en-	tire World.	(2) This threat was recognized by Secretary of	Defense William J. Perry in February 1995 in the	Annual Report to the President and the Congress	which states that "[b]eyond the five declared nuclear	weapons states, at least 20 other nations have ac-	quired or are attempting to acquire weapons of mass	
NATIONAL MISSILE DE KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-G	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)															

& NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Bill Language Page 405 - 409	destruction—nuclear, biological, or chemical weap-	ons—and the means to deliver them. In fact, in most areas where United States forces could potentially be	engaged on a large scale, many of the most likely ad-	versaries already possess chemical and biological weapons. Moreover, some of these same states appear	determined to acquire nuclear weapons.".	(3) At a summit in Moscow in May 1995, Presi-	dent Clinton and President Yeltsin commented on this	threat in a Joint Statement which recognizes	
NATIONAL MISSILE DEFENSE (CONTINUED)  KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE  House FY96 DoD Authorization Bill Senate FY9	H.H. 1530; H. Hept. 104-131 (5/1795) Bill Pag	des	ons are	eng	ner nec	det		den	thr	

- 1	- 1	.,										<u> </u>			
MISSILE DEFENSE (CONTINUED)  & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	<u>Bill Language</u> <u>Page 405 - 409</u>	" the threat posed by worldwide proliferation of	missiles and missile technology and the necessity of	counteracting this threat ".	(4) At least 25 countries may be developing	weapons of mass destruction and the delivery systems	for such weapons.	(5) At least 24 countries have chemical weapons	programs in various stages of research and develop-	ment.	• (6) Approximately 10 countries are believed to	have biological weapons programs in various stages of	development.	
NATIONAL MISSILE DEFI KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

and the second second

AL MISSILE DEFENSE (CONTINUED) S & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	(7) At least 10 countries are reportedly interested	in the development of nuclear weapons.	(8) Several countries recognize that weapons of	mass destruction and missiles increase their ability to	deter, coerce, or otherwise threaten the United States.	Saddam Hussein recognized this when he stated, on	May 8, 1990, that "[o]ur missiles cannot reach Wash-	ington. If they could reach Washington, we would	strike it if the need arose.".	(9) International regimes like the Non-Prolifera-	tion Treaty, the Biological Weapons Convention, and	the Missile Technology Control Regime, while effec-	tive, cannot by themselves halt the spread of weapons	
NATIONAL MISSILE DE KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-G	س 6,	·														

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	and technology. On January 10, 1995, Director of	Central Intelligence, James Woolsey, said with regard	to Russia that " we are particularly concerned	with the safety of nuclear, chemical, and biological	materials as well as highly enriched uranium or plu-	tonium, although I want to stress that this is a global	problem. For example, highly enriched uranium was	recently stolen from South Africa, and last month	Czech authorities recovered three kilograms of 87.8	percent-enriched HEU in the Czech Republic—the	largest seizure of near-weapons grade material to date	outside the Former Soviet Union.".	
2 (A.2.4)	1 E	•		· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·								
2 = (8 ×	7													
ONGRESS ization Bil 31 (6/1/9)												٠		
House FY96 DoD Authorization Bill														

AL MISSILE DEFENSE (CONTINUED) 8 & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	(10) The possession of weapons of mass destru	tion and missiles by developing countries threatens	our friends, allies, and forces abroad and will ulti-	mately threaten the United States directly. On August	11, 1994, Deputy Secretary of Defense John Deutch	said that "filf the North Koreans field the Taepo	Dong 2 missile, Guam, Alaska, and parts of Hawaii	would potentially be at risk.".	(11) The end of the Cold War has changed the	strategic environment facing and between the United	States and Russia. That the Clinton Administration	believes the environment to have changed was made	clear by Secretary of Defense William J. Perry on	
NATIONAL MISSILE DE KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-C	House FY96 DoD Authorization Bill H B 1530: H Bent, 104-131 (6/1/95)															

MISSILE DEFENSE (CONTINUED) & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS	Senate FY96 DoD Authorization Bill S. 1026; Sen, Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	September 20, 1994, when he stated that "[w]e now	have the opportunity to create a new relationship,	based not on MAD, not on Mutual Assured Destruc-	tion, but rather on another acronym, MAS, or Mutual	Assured Safety.".	(12) The United States and Russia have the op-	portunity to create a relationship based on trust rath-	er than fear.	(b) SENSE OF SENATE.—It is the sense of the Senate	that all Americans should be protected from accidental, in-	tentional, or limited ballistic missile attack. It is the further	sense of the Senate that front-line troops of the United	States Armed Forces should be protected from missile at-	tacks,
NATIONAL MISSILE DEFENSE (CONTINUED) KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)															

& NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS    Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill   Senate FY96 DoD Authorization Bill	Bill Language Page 405 - 409	(c) Funding for Corps SAM and Boost-Phase In-	Terceptor Programs.—	(1) Notwithstanding any other provision in this	Act, of the funds authorized to be appropriated by sec-	tion 201(4), \$35,000,000 shall be available for the	Corp's SAM/MEADS program.	(2) With a portion of the funds authorized in	paragraph (1) for the Corps SAM/MEADS program,	the Secretary of Defense shall conduct a study to de-	termine whether a Theater Missile Defense system de-	rived from Patriot technologies could fulfill the Corps	
NATIONAL MISSILE DEFE  KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA)  House FY96 DoD Authorization Bill	H.R. 1530; H. Rept. 104-131 (6/1/95)		T							-			

NGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS ation Bill Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 405 - 409	SAM/MEADS requirements at a lower estimated life-	cycle cost than is estimated for the cost of the United	States portion of the Corps SAM/MEADS program.	(3) The Secretary shall provide a report on the	study required under paragraph (2) to the congres-	sional defense committees not later than March 1,	1996.	(4) Of the funds authorized to be appropriated	by section 201(4), not more than \$3,403,413,000 shall	be available for missile defense programs within the	Ballistic Missile Defense Organization.		
KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-AC) House FY96 DoD Authorization Bill H R 1530: H. Rept. 104-131 (6/1/95)														

. . . . .

L MISSILE DEFENSE (CONTINUED) & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS  Senate FY96 DoD Authorization Bill  Senate FY96 DoD Authorization Bill	Bill Language Page 405 - 409	(d) OBLIGATION OF FUNDS.—Of the amounts referred to in section (c)(1), \$10,000,000 may not be obligated until the report referred to in subsection (c)(2) is submitted to	the congressional defense committees.			
NATIONAL MISSILE DEF KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GAN) House FY96 DoD Authorization Bill	H.R. 1530; H. Rept. 104-131 (6/1/95)					

House FY96 Do**D Autho**rization Bill H.R. 1530; H. Rept. 104⁴131 (6/1/95)

Senate FY96 DoD Authorization BIII S: 1026; Sen. Rept. 104:112 (7/12/95)

> Report Language Page 111

The committee's research and development recommendations include an attempt to revitalize the Army's moribund modernization program, a renewed emphasis on the Navy's littoral warfare programs in anti-submarine warfare, mine countermeasures and naval surface fire support, as well as a significant boost to the Air Force's space and reusable launch efforts. However, the centerpiece of the committee's efforts to refocus defense research is found in its efforts to reinvigorate the ballistic missile defense program. As rogue nations determinedly seek to acquire weapons of mass destruction and the technology to deliver them over great distances, the United States can ill-afford not to pursue a more robust effort to develop and deploy effective theater and national missile defenses.

The nation must not forget how a crude, conventionally-armed Scud missile accounted for the greatest single loss of American lives during the Gulf War. Contrary to those who criticize attempts to defend U.S. troops or the American people from these weapons of terror, a massive SDI-like program to deploy exotic technologies is not envisioned. Yet it would be unconscionable in this emerging world of proliferating technology not to protect our troops abroad as well as Americans at home from ballistic missile attack—whether deliberate or accidental. Theater and national missile defense

must once again become a national priority. To this end, the committee has accelerated funding for both theater and national missile defense programs.

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

## Report Language

National missile defense (NMD)

The committee believes that the NMD program should be structured to support an initial deployment at the earliest practical date as a matter of national priority. The committee recommendation of an increase in funding for NMD of \$450 million, would provide a

mand control and communications (BMC3) in fiscal year 1996. The committee recognizes that the budget for the NMD-GBR has been provide sufficient funding to ensure significant acceleration of the NMD-GRB schedule. To reduce risk in the NMD program, the Director of BMDO is strongly urged to maintain competition in the ommendation is intended to significantly accelerate the development and integrated testing of "critical path" elements of an objective NMD system, including the ground-based interceptor (GBI, the NMD ground based radar (NMD-GBR), upgrades to existing early wurning radars, and associated battle management, comcut dramatically in recent years, and therefore strongly urges the Director of the Ballistic Missile Defense Organization (BMDO) to development of an exoatmospheric kill vehicle (EKV) through night testing. Furthermore, the committee expects that a significant fraction of the NMD budget will be used to accelerate research involvtotal authorization of \$820.6 million for fiscal year 1996. This recdiscrimination, phenomenology, component miniaturization, focal plane arrays, signal processing, countermeasures submunitions, and kinetic kill vehicle (KKV) lethality activities.

Policy on Anti-Ballistic Missile Treaty compliance

The committee is deeply concerned about the Administration's apparent efforts to turn the 1972 Anti-Ballistic Missile (ABM) Treaty into a new, multilateral "ABM-TMD Treaty" in its arms control talks with Russia and others. Current U.S. proposals would impose specific design limitations on U.S. systems and result in a significantly compromised U.S. TMD capability.

The committee believes that U.S. forces overseas should be deployed with the most modern and capable systems available to protect them in the event of conflict. Theater missile defenses are no exception to this rule. Artificially constraining the capabilities of

# Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 117-121

National Missile Defense Architecture

The committee notes that there is greater ambiguity and more disagreement regarding the future ballistic missile threat to the territory of the United States than there is regarding the threat posed by short- and medium-range missiles, which are already deployed in large numbers throughout the world. With regard to ballistic missile threats to the United States itself, there are really two subcategories—existing threats that we have lived with for some time, and emerging new threats. Most of the debate has surrounded the question of new threats.

The committee notes that the intelligence community does not presently forecast the emergence of a new indigenously-developed ballistic missile threat to the continental United States within the next ten years. Nevertheless, the intelligence community does confirm that the proliferation trend is toward longer-range and more sophisticated ballistic missiles, and that there are a number of ways for determined countries to rapidly acquire intercontinental ballistic missiles (ICBM) by means other than indigenous development. The intelligence community also confirms that North Korea is developing an ICBM class missile (the Taepo Dong II), which may become operational within five years, and which may have sufficient range to target Alaska. Some analysts speculate that this missile could have an even longer range. In any event, the mere existence of this North Korean program is cause for questioning the intelligence community's ten year forecast. It also highlights how intelligence community's ten year forecast. It also highlights how suddenly a new ICBM threat can emerge. Given North Korea's history as a missile proliferator and its ongoing cooperation with Iran on such programs, the committee views these developments as extremely threatening.

The committee does not believe that the intelligence community's ten year threat assessment in any way undermines the case for accelerating deployment of a national missile defense system. Even if it were certain that a new threat would not materialize for ten years, the United States would still need to get started now to ensure that it develops a highly effective and affordable system in time. As previously noted, however, there is a great deal of uncertainty surrounding the ten year estimate. The United States must

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi

### Report Language

### Page 131-133

U.S. TMU systems risks more than good relations with the Russians—it risks American lives. The committee notes that the single greatest number of American deaths in the Gulf War resulted from the launch of one Iraqi Scud missile against a U.S. barracks in

Saudi Arabia.

would prohibit the obligation or expenditure of funds for the purpose of applying the ABM treaty, or any limitation or obligation missile defenses which are not, is similar to the one used by the Administration at the beginning of the negotiations among the United States, Russia, and other nations. This definition would provide that a missile defense system which is covered by the ABM listic missile which, in that flight test, exceeded, first, a range of more than 3,500 kilometers, or, second, a maximum velocity of more than 5 kilometers per second. Put simply, if a missile defense system has not been flight-tested in an ABM mode-and therefore The committee therefore recommends a provision (sec. 235) that under that Treaty, to the research, development, testing or deploy-The standard used to define the demarcation between anti-ballistic missile defense which are limited by the ABM Treaty, and theater has not demonstrated a flight-tested capability to counter interment of a theater missile defense system, upgrade, or component. Freaty is defined as one which has been flight-tested against a balcontinental ballistic missiles-it should not be limited in any way by the ABM Treaty.

strongly urge the President to pursue high-level discussions with Russia to amend the ABM Treaty, and to seek to foster inter-The committee also recommends a provision (sec. 236) that would national coopeation in the development, deployment and operation

of BMD systems.

Finally, it is the committee's understanding that all the elements sites, and may affect the ability of sensors other than ABM radars of an NMD system architecture listed in section 233 can be developed and deployed under the ABM Treaty. The Treaty, limits only the number of ground-based interceptors and the number ABM to contribute efficiently to the performance of the overall NMD sys-

#### Report Language Page 117-121

be prepared to respond earlier if necessary. Perhaps more important, deploying an NMD system prior to the unambiguous emergence of new missile threats to the United States may serve to deter countries that would otherwise seek to acquire ICBMs. A vulnerable United States merely invites proliferation, blackmail, and

tual deterrence by reducing prospective incentives to strike first in a crisis. The committee believes that even modest NMD deployments can reduce the vulnerability of U.S. strategic forces and thereby strengthen stability. Over time, as political circumstances permit, increasingly robust defenses can serve to devalue offensive forces, especially those that are most destabilizing, virtually eliminating first strike incentives and estabilishing the basis for deeper even aggression.

In addition to dealing with emerging threats to the United States, NMD can help pave the way for a more reliable and less adversarial form of strategic stability. Mutual vulnerability is clearly not a necessary basis for a stable deterrence relationship. In the near-term, NMD deployments would serve to stabilize muoffensive reductions.

velopment of the more positive relations necessary for a genuinely stable U.S. Russian strategic relationship. Arms reductions alone cannot accomplish this goal. By easing concerns about possible noncompliance and third party ballistic missile threats, missile defenses can help provide the confidence necessary to move toward deeper offensive reductions. In sum, the argument that effective based on vulnerability and threats of retaliation is likely to perpetuate basic animosities and security concerns, and prohibit the denational ballistic missile defenses are inconsistent with deterrence Indefinitely extending Cold War notions of nuclear deterrence

and arms control is as outdated as the Cold War itself.

Therefore, the committee recommends a provision which would establish an NMD program to deploy a multiple-site, ground-based interceptor system by 2003, with a more limited contingency capability available by the turn of the century. The committee believes that there is an urgent need to establish explicit milestones and performance goals for the NMD program in order to achieve these deployment goals. The committee directs the Secretary of Defense to employ streamlined acquisition procedures and other cost saving measures as appropriate to ensure rapid and cost-effective development of an NMD system.

Report Language Page 131-133

### Report Language

### Page 117-121

an optimized booster configuration that balances cost and performance considerations. The committee supports aggressive development and testing of the EKV to support the deployment goals specified above. The committee is troubled by recent schedule delays in the EKV program and the fact that BMDO is considering a down-The committee notes that the ground-based interceptor (GBI) program, with its exoatmospheric kill vehicle (EKV), has been underway for almost five years, and has achieved significant technical progress. The committee also notes the existence of various options for off-the-shelf boosters for the GBI, but questions whether these can be optimized for the GBI mission. The committee therefore recommends that a detailed analysis be conducted in order to select tests. To ensure that the best design is selected upon demonstrated performance, and to minimize program risk, the Secretary of Defense is directed to maintain competition in the EKV program select to a single design and contractor before conducting flight through successful completion of flight demonstrations.

for deployment. The committee also strongly supports the development of the Space and Missile Tracking System (SMTS), which is being developed by the Air Force as part of the Space-Based Infrared System (SBIRS). The committee believes that SMTS should be The committee believes that the proper mix between space-based sensors and ground-based radars must be achieved to maximize coverage and effectiveness while minimizing the ultimate cost of the NMD system. With robust space-based sensor support, the system tem may not require new radars at each interceptor deployment lo-NMD system, the committee supports upgrading existing early warning radars while new X-band fire control radars are readied developed for a first launch in fiscal year 2001, with an IOC in fisin order to develop and deploy optimized sensor support for an cal year 2003, to support the objective multiple-site NMD system

The committee recognizes that there may be opportunities to significantly improve the cost and operational effectiveness of a ground-based NMD system by including space-based and/or seabased defensive systems in the NMD architecture. The committee directs the Secretary of Defense to include an analysis of such opions in the NMD implementation plan. cation.

-	•
-	•
	•
47	
C	•
$\mathbf{z}$	_
11	ŧ
44	•
<i>(f</i>	1
	_
Z	
11	:
ш	1
11	_
ш	•
11	Í
	-
	1
	-
11	1
1,1	4
	ł
	=
"	•
V	J
t f	•
$\simeq$	_
=	=
-	5
	٥
	٢
	•
- 2	•
7	_
C	)
_	_
ī	_
7	_
	٢
	2
Z	_
	_

S, 1026; Sen, Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

### Report Language Page 117-121

Report Language Page 131-133

# Policy Regarding the ABM Treaty

The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at this time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

The Missile Defense Act of 1995 would establish a policy to seek a cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it is not presently clear how best to achieve this goal. Incremental amendments to the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of replacing the treaty with a more appropriate and up-to-date regime.

Congress also will want to evaluate the Secretary of Defense's sues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, it is prudent to dedicate a year to studying all ABM Treaty-related issues and alternatives. The committee, therefore, recommends a provision that calls for the Senate to undertake a careful one-year review of the continuing value and validity of the ABM Treaty, during which time all efforts by the administration to modify, clarify, or otherwise after U.S. obligations under the ABM Treaty should cease.

To conduct this comprehensive review and to issue specific guldance, the committee recommends that the Senate consider establishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select committee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues. At the end of the 104th Congress, the select committee would issue a report and be disbanded.

7
ō
ŭ
J
公田
ENSI
Z
m
田田
H
<u></u>
Щ
=
Ñ
<u>S</u>
⋝
_
7
$\stackrel{\sim}{\rightarrow}$
$\cong$
<b>5</b>
2
Z

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 117-121

To facilitate the Senate's review and to foster full and open debate, the committee recommends requiring the declassification of the ABM Treaty negotiating record. This action would be consistent with the classification policy in Executive Order 12958, announced by the administration on April 17, 1995. The Reagan Administration, which declassified a significant portion of the ABM Treaty record, established the precedent for this action. The committee understands that in connection with the 1987 study of the ABM Treaty by the State Department Legal Advisor, most of the negotiating record along with a complete index was compiled. The committee suggests that this would be a good starting point for the administration in providing Congress with the information requested.

Development, Testing and Deployment of Non-ABM Systems

The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national rechnical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 117-121

The results of this excessive self-regulation have recently become very apparent. Recent compilance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

### Report Language Page 144-145

# SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for im-(TMD) systems and an NMD system. Furthermore, the report the effect of constraining the deployment and efficient operation of the provision. The Secretary's report would specify projected timelines and costs for deploying advanced Theater Missile Defense would state whether or when ABM Treaty constraints would have ementing that guidance. Further, the section would direct that Missile Defense (NMD), consistent with the guidance contained in the report include a revised five-year funding plan for National a highly-effective NMD system.

### S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi Report Language Page 123-124

## National Missile Defense

fore, recommends an increase of \$300.0 million for the NMD program, for a total of \$671.5 million, to accelerate key technologies and systems pending the outcome of a detailed NMD deployment limited ballistic missile attacks. The NMD program as it now exists is structured to spend approximately \$400 million a year for the foreseeable future without deploying a single element of defensive capability. The committee views this as a wasteful expenditure and a program that fundamentally neglects a serious emerging threat to the national security of the United States. The committee, theretablish a highly focused effort to defend the United States against The Missile Defense Act of 1995 (Subtitle C of Title II) would es-

The committee recognizes that deploying a multiple-site NMD system by 2003 will require significant investments in the out years, and directs the Secretary of Defense to budget accordingly. Given the consequences of not being prepared for the emerging threat, the committee believes that this investment should be one threat, the committee believes that of the Secretary's highest priorities. plan.

very satisfactory results. The committee directs the Secretary of Defense to emulate this model for NMD as much as possible. The committee believes that the ultimate cost of deploying an NMD system can be significantly reduced by employing stream-lined acquisition procedures and a sense of urgency. The Missile Defense Act of 1995 would establish a requirement for the Sectional priority, requiring highly streamlined treatment. The committee notes the case of the Pershing II intermediate-range ballistic missile development and deployment effort during the late 1970s a sense of urgency produced rapid, cost-effective and technically retary to prescribe and employ such procedures as well as other cost saving measures. The committee believes that, for purposes of and early 1980s, in which streamlined acquisition procedures and acquisition, the Secretary should consider NMD deployment a na-

AL MISSILE DEFENSE (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language  Page 699  National Missile Defense—The budget request contained \$370.6 million in PE 63871C for National Missile Defense (NMD). The House bill-would authorize \$820.6 million for NMD. The Senate amendment would authorize \$670.6 million for NMD.	
NATIONAL MISSILE	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language All statutory language pertaining to NMD has been deleted.	

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DØD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language

All statutory language pertaining to NMD has been deleted.

### Report Language Page 729

National missile defense

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop for deployment at the earliest practical date a national missile defense system consisting of: (1) up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary; (2) fixed, ground-based radars; (3) space based sensors, including those sensor systems that are capable of cuing ground-based interceptors and providing initial targeting vectors; and (4) battle management, command, control, and communications.

would direct the Secretary of Defense to take the following steps regarding national missile defense (NMD): (1) develop for deployment an affordable and operationally effective NMD system (consisting of ground-based interceptors capable of being deployed at multiple sites, ground-based radars, space-based sensors, and batmultiple sites, ground-based radars, space-based sensors, and batmultiple sites, ground-based radars, or unauthorized ballistic missile atcounter a limited, accidential, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability by the end of 2003; (2) develop an interim operational capability by the end of 2003; (2) develop an interim operational capability by the end of 2003; (3) prescribe and use streamlined acquisition procedures; (4) employ additional cost saving measures; and (5) report on his plan for NMD deployment and an analysis of options for supplementing the initial NMD architecture to improve cost and operational effectiveness. The Senate amendment also contained a provision (sec. 235(d)(2)) that would prohibit the use of

Minuteman boosters in any NMD architecture. The conference agreement does not include a provision on na-

# NATIONAL MISSILE DEFENSE

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

#### Bill Language None

### <u>Report Language</u> Page 16<u>9</u>

## NATIONAL MISSILE DEFENSE

The Committee believes that National Missile Defense (NMD) is one of the highest national security priorities. The Committee is concerned about the proliferation of weapons of mass destruction and the possible emergence of a ballistic missile threat from a rogue nation. However, the Committee does not believe that the Administration's program of "technology readiness" is sufficient to address this threat. Therefore, the Committee recommends an increase of \$450,000,000 to significantly accelerate the development of a national missile defense system that will be capable of defending the United States from a limited ballistic missile attack. Furthermore, the Committee agrees with the House National Security Committee that the NMD program should be structured so as to support deployment of an NMD system at the soonest possible date—now estimated to be within four to six years.

#### Bill Language None

#### Report Language Page 186

**S670,621,000, an increase of \$300,000,000 over the budget request. The Committee has taken this action to accelerate the development of a national missile defense [NMD] system. The Committee endorses the realignment and augmentation of funding for BMDO activities for fiscal year 1996. The Committee shares the commitment articulated in the report accompanying Senate bill 1026 that adequate resources be made available to facilitate the deployment of an operational national missile defense system at the earliest possible time, that can fully protect all 50 States.

ONAL MISSILE DEFENSE	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)	None None
NATIONAL MISS	Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	

# MISSILE DEFENSE TESTING

MISSILE DEFE	DEFENSE TESTING
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 43-45	Bill Language None
SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTER.	
CEPTORS.	
Subsection (a) of section 237 of the National Defense	
Authorization Act for Fiscal Year 1994 (Public Law 103-	
160; 107 Stat. 1600) is amended to read as follows:	
"(a) Testing of Theater Missile Defense Inter-	
CEPTORS.—(1) The Secretary of Defense may not approve	
a theater missile defense interceptor program proceeding be-	
yond the low-rate initial production acquisition stage until	
the Secretary certifies to the congressional defense commit-	
tees that such program has successfully completed initial	
operational test and evaluation.	

MISSILE DEFENSE TESTING	Bill Senate FY96 DoD Authorization Bill (95) S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language	None
MISSILE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	ון המתוממה	II LAUGUAGE

### Page 43-45

- having been successfully completed, the initial operational test and evaluation conducted with respect to an intercep-"(2) In order to be certified under paragraph (1) as tors program must have included flight tests—
- tors and multiple targets in the presence of realistic "(A) that were conducted with multiple intercepcountermeasures; and
- "(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.
- baseline description for the system established (pursuant to formance thresholds with respect to a program are the weapons systems performance thresholds specified in the "(3) For purposes of this subsection, the baseline per-

House FY96 Dod Authorization BII  House FY96 Dod Authorization BII  H.R. 1530; H. Rept. 104-131 (6/1/95)  Bill Language  section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.  "(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.  "(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing."
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DEFENSE TESTING (CONTINUED)  OMENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DoB Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	<u>Bill Language</u> <u>Page 55 - 57</u>	SEC. 227. TESTING OF THEATER MISSILE DEFENSE INTER-	CEPTORS.	(a) The Secretary of Defense may not approve a thea-	ter missile defense interceptor program proceeding beyond	the low-rate initial production acquisition stage until the	Secretary certifies to the congressional defense committees	that such program has successfully completed initial oper-	ational test and evaluation, and is found to be a suitable	and effective system.	(b) In order to be certified under subsection (a) as hav-	ing been successfully completed, the initial operational test	and evaluation conducted with respect to an interceptor	program must have included flight tests—	
MISSILE DEFENSE TES PRYOR (D-AR) AMENDMENT ON TE	House FY96 DoD Authorization Bill															

CE DEFENSE TESTING CONTINUED) IENDMENT ON TESTING OF TMD INTERCEPTORS  n Bill Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) that were conducted with multiple intercep-	tors and multiple targets in the presence of realistic	countermeasures; and	(2) the results of which demonstrate the achieve-	ment by the interceptors of the baseline performance	thresholds.	(c) For purposes of this section, the baseline perform-	ance thresholds with respect to a program are the weapons	systems performance thresholds specified in the baseline de-	scription for the system established (pursuant to section	2435(a)(1) of title 10, United States Code) before the pro-	gram entered the engineering and manufacturing develop-	ment stage.
MISSILE DEFENSETES PRYOR (D-AR) AMENDMENT ON TE House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

E DEFENSE TESTING (CONTINUED)  NDMENT ON TESTING OF TMD INTERCEPTORS    Senate FY96 DoD Authorization Bill Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong Strong	Bill Language Page 55 - 57	(d) The number of flight tests described in subsection	under subsection (a) shall be a number determined by the	Director of Operational Test and Evaluation to be sufficient	(e) The Secretary may augment flight testing to dem-	onstrate weapons system performance goals for purposes of	the certification under subsection (a) through the use of	modeling and simulation that is validated by ground and	flight testing.	
MISSILE DEFENSE TESTING (CONTINUED) PRYOR (D-AR) AMENDMENT ON TESTING OF TMD INTI House FY96 DoD Authorization Bill Senate F										

MISSILE DEFENSE TESTING (CONTINUED) PRYOR (D-AR) AMENDMENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(f) The Director of Operational Test and Evaluation	and Ballistic Missile Defense Organization shall include in	their annual reports to Congress plans to adequately test	theater missile defense interceptor programs throughout the	acquisition process. As these theater missile defense systems	progress through the acquisition process, the Director of	Operational Test and Evaluation and Ballistic Missile De-	fense Organization shall include in their annual reports to	Congress an assessment of how these programs satisfy	planned test objectives.		
	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

SE TESTING (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Report Language
MISSILE DEFENSE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Report Language

port Language	ge 145
Repo	Page

SECTION 243—TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS

This section would amend section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) regarding testing of theater missile defense interceptors.

### Report Languag

# MISSILE DEFENSE TESTING (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language

### Page 53-54

SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authoriza-tion Act for Fiscal Year 1994 (Public Law 103-160, 107 Stat. 1600) is amended to read as follows:

(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully "(a) Testing of Theater Missile Defense Intercretors.-completed initial operational test and evaluation

successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have in-"(2) In order to be certified under paragraph (1) as having been cluded flight tests-

"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures, "(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manuacturing development stage.

### Report Language Page 734

Testing of theater missile defense interceptors (sec. 252)

The House bill contained a provision (sec. 243) that would amend subsection (a) of section 237 of Public Law 103-160, pertaining to the testing of theater missile defense interceptors.

The Senate amendment contained a similar provision (sec. 227) that also would relate to the testing of theater missile defense interceptors. The Senate recedes.

	•	Š
	െ ര	
	- op	
	Ference Report on FY96 DOD Author S. 1124; H.Rept. 104-450 (1/22/96)	
	<b>-</b> 76	
	(G)	
	್ ಬ	i
	L LL. `	
	<b>!</b>	
_		į
		ě
Z	10 T	
$\bigcirc$	<u> </u>	
$\mathbf{\mathcal{Y}}$		
O	1 L &	
	o <del>√</del>	
48	<b>ĕ</b> ₹	
U	I E .:	
7	Conference Report on FY96 DÖD. S. 1124; H.Rept. 104-450 (1	8
	<b>.</b>	į
<b>—</b>	I (≚	
in	<b>=</b>	١
<u></u>		
Щ	I O	
<b>MISSILE DEFENSE TESTING (CONT)</b>		
Ш		
S		
ジ	⊆	
_	0	
ш	zation	
Ш	L C	
111	.≌	
$\overline{}$	<b>5</b> 6	Š
ш	36 DOD Autho 4-450 (1/22/96	
111		
ų.		
_		
7	10 S	Ì
V	la a	
ഗ	$1 \approx 5$	
	1- 4	
2	19 4	
	1200	
	စစ	
	14 CC	
	6 <del></del>	i
	G	
	تك ت	
	$\mathbb{Z}^{2}$	
	os <del>v -</del>	
	ಶ 🕶	
	<b>5</b> 2	
	o w	
	i a	
	¥	
	<u> </u>	
	,Ç	
	U	

ization

### Statutory Language Page 53-54

"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing."

### Report Language

ILE DEFENSE TESTING (CONT) NDENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 95	SEC. 8101. TESTING OF THEATER MISSILE DEFENSE INTER-	CEPTORS.	(a) APPROVAL BEYOND LOW-RATE INITIAL PRODUC-	TION:—The Secretary of Defense may not approve a theater	missile defense interceptor program beyond the low-rate ini-	tial production acquisition stage until the Secretary cer-	tifies to the congressional defense committees that the pro-	gram	(1) has successfully completed initial operational	test and evaluation; and	(2) involves a suitable and effective system.	
MISSILE DEFENSE TESTING (CONT) PRYOR (D-AR) AMENDENT ON TESTING OF TMD IN	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)													

MISSILE DEFENSE TESTING (CONT) AMENDENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 95	(b) CERTIFICATION PEQUIREMENTS(1) In order to	be certified under subsection (a), the initial operational less	and evaluation conducted with respect to a program sind include flight tests—	(1) that were conducted with multiple intercep-	tors and multiple targets in the presence of realistic	countermeasures; and	(B) the results of which demonstrate the active	ment of buseline performance thresholds by such inter-	ceptors.	
MISSILE DEFENS PRYOR (D-AR) AMENDENT ON	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)											

MISSILE DEFENSE TESTING (CONT) PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 95	(2) We Director of Operational Test and Evaluation	shall specify the number of flight tests required with respect	to a frequence under paragreph (1) in order to make a cer-	liftention referred to in subsection (a).	(3) The Secretary may utilize modeling and simila-	tion validated by ground and fight testing in order to ang-	ment flight tecting to demonstrate weapons system perform-	ence for purposes of a certification under subsection (c).	(c) RECORTS.—(1) The Director of Operational Test	and Evaluation and the new of the Ballistic Missile De	fense Organization skall inviside in the annual reports to	Congress of such officials pions to test adequately thousa	
MISSILE DEFENSE TESTING (CONT) PRYOR (D-AR) AMENDENT ON TESTING OF TMD IN	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)														

ILE DEFENSE TESTING (CONT) NDENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 95	missile defense interceptor programs throughout the acquisi-	tion process. (2) As each theuter missile defense system progresses	through the acquisition process, the officials referred to in	paragraph (1) shall include in the annual reports to Con-	gress of such officials an assessment of the extent to which	such programs satisfy the planned test objectives for such	programs.	
MISSILE DEFENSE TESTING (CONT PRYOR (D-AR) AMENDENT ON TESTING OF TMD I	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)									

MISSILE DEFENSE TESTING (CONT) PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 95	(d) Definition.—For purposes of this section, the	baseline performance inresholds joi a program are the weapon system performance thresholds specified in the base-	line description for the weapon system established pursuant	to section 2435(a)(1) of title 10, United States Code, before the program entered into the engineering and manufactur-	ing development stage.		
MISSILE DEF PRYOR (D-AR) AMENDENT	House FY96 DOD Appropriation Bill H 2126: H.Rept. 104-208 (7/27/95)								

# MISSILE DEFENSE TESTING (Cont)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Conference Report on FY96 DoD Appropriations - H.R. 2126; H. Rept. 104-344 (11/15/95)

Statutory Language None

Report Language Page 109

### NAVY RANGE SUPPORT SHIP

In the process of restructuring its fleet of oceanographic research vessels, the Navy recently decided that the Kaimalino would not be part of the future Navy oceanographic fleet. The conferees are aware of a plan for the Pacific Missile Range Facility (PMRF) to acquire the Kaimalino to support operational training needs as well as research and development programs, such as Navy Upper and Lower Tier Patriot, and THAAD. The conferees believe this would be an effective use of the Kaimalino. The conferees direct the Navy to review PMRF's request and to report to the Committees on Appropriations prior to taking any other action on the ship. The conferees further direct that the reuse of the Kaimalino shall have no effect on other ships in the Navy's oceanographic fleet.

**ABM TREATY** 

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 34-36	Bill Language Page 61-65
SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.	SEC. 237. POLICY REGARDING THE ABM TREATY.
(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM	(a) Sense of Congress.—In light of the findings
TREATY.—Congress finds that, unless and until a missile	and policies provided in this subtitle, it is the sense of Con-
defense system, system upgrade, or system component is	gress that—
flight tested in an ABM-qualifying flight test (as defined	- (1) the Senate should—
in subsection (c)), such system, system upgrade, or system	(A) undertake a comprehensive review of
component—	the continuing value and validity of the ABM
(1) has not, for purposes of the ABM Treaty,	Treaty with the intent of providing additional
been tested in an ABM mode nor been given capabili-	policy guidance on the future of the ABM Trea-
ties to counter strategic ballistic missiles; and	ty during the second session of the 104th Gon-
(2) therefore is not subject to any application,	gress; and
limitation, or obligation under the ABM Treaty.	

**ABM TREATY** 

_
آب
Ξ
_
0
$\boldsymbol{\pi}$
U
こ
>-
L
4
-
111
RE/
_
<u> </u>
-
⋜
≥
$\mathbf{\omega}$
1
1

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 34-36

- (b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—
- (A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or
- (B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense sys-

#### S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language Page 61-65

Senate FY96 DoD Authorization Bil

- (B) consider establishing a select committee to carry out the review and to recommend such additional policy guidance on future appli-
- cation of the ABM Treaty as the select committee considers appropriate, and
- modify, clarify, or otherwise alter United States obligations under the ABM Treaty pending the outcome of the review.
- (b) ABM Treaty Negoriating Record. (1) To support the comprehensive review specified in subsection (a), the Secretary of Defense, in consultation with other appropriate officials of the executive branch, shall provide

House Fyge Dod Authorization Bill  S. 1026; Sen. Rept. 104-131 (6/1/95)  Bill Language  Page 34-36  tem, a theater missile defense system upgrade, or a theater ballistic missile.  (2) This subsection applies with respect to each missile defense system component that is capable of countering modern theater ballistic missiles.  (3) This subsection shall cease to apply with respect or missile defense system component has been flight tested to a missile defense system component has been flight tested.  (4) If the Secretary enoiding from when the documents referred to in paragraph. If the Secretary does so, however, the Secretary aball submit the documents in undensified form.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

VTY (Cont)	Senate FY96 DoD Authorization BIII S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 61-65	(e) WAIVER. The Secretary of Defense, after con-	sultation with any select committee established in accord-	ance with subsection (a)(1)(B) or, if no select committee,	the Committee on Armed Services of the Senate, may	waive the declassification requirement under subsection	(b) on a document by document basis.	SEC. 238. STANDARD FOR ASSESSING COMPLIANOE WITH	THE ABM TREATY.	(a) POLICY CONCERNING SYSTEMS SUBJECT TO	ABM TRBATY Unless and until a missile defense or air	defense system, system upgrade, or system component, in-		
ABM TREATY (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 34-36	(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For	purposes of this section, an ABM-qualifying flight test is	a flight test against a ballistic missile which, in that flight	test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity	of 5 kilometers per second.								

	(	
	III 32	
	<b>8</b> 8	
	<u> </u>	
	10 °	
	12.2	
	100 4	
	50	
	) <i>p</i>	
	ᅙ유	
,	96 n.	
	<b>2</b> 8	
	Θ <del>(</del> 6	
	1at )2(	
<b>t</b> )	) (	
Ĕ	S	
3		
<b>(</b>		
>		
E		
I TREATY (Cont)		
-		
5		
8		
4	<b>≣</b>	
	E E	
	io (6/	
	च च	
	美兴	
	<b>#</b> 8	
	Q →	
	o 6	
	<b>30</b>	
	6 Do 1. Re	
	őΞ	
	$\mathbf{G} \circ$	
	53 53	
	[ 울 또	
		•

#### Bill Language Page 38-42

## SEC. 237. ABM TREATY DEFINED.

"ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.

(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary.

#### Bill Language Page 61-65

external sensors (such as the Space and Missile Tracking System, which can be deployed as an ABM adjunat, or the Navy's Cooperative Engagement Capability), is flight tested in an ABM qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component.—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

	í	þ		í	ì
	1	Ċ			
	1	ξ		J	
1	۶			١	١
•	١			_	
ı	١				
į					
ı	ŀ				
•	ĺ	ć	i	ľ	•
•				ì	
ı	L	į	L	ł	l
1	ľ	1	ĺ		•
1	ī				•
Į	ľ				•
1			3	į	,
1					
1	Į	)	ĺ	)	Ì
•		e		ĺ	•
		•	۰	٠	1

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 38-42

but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.

(b) BALLISTIC MISSILE DEFENSE AND STRATEGIC STABILITY.—(1) The Congress views the deployment of ballistic missile defenses as a strategically stabilizing measure.

#### Bill Language Page 61-65

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

- (b) Promistrions.—(1) Appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of—
- Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space based or other external sensors, or
- (B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such treaty) to be applied to research, development,

#	
Z	
ŏ	
	'
7	
$\overline{\mathbf{c}}$	
1	
AB	
	1
	I
	I
	I

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 38-42

- (2) The deployment of Theater Missile Defense systems at the earliest practical date pursuant to section 232(a)(1) will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.
- (3) The deployment of a National Missile Defense system at the earliest practical date pursuant to section 232(a)(2) against the threat of limited ballistic missile attacks—

## Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Bill Language Page 61-65

- testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors.
- (2) This subsection shall cease to apply with respect to a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space based or other external sensors, when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.
- (c) ABM-QUALIFYING FLIGHT TEST DEFINED.—
  For purposes of this section, an ABM qualifying flight test
  is a flight test against a ballistic missile which, in that

1	
1	
	= %
	<b>∞</b> ≲1
	- E 221
	<b>∞</b> ≥ 1
	<b>7</b>
	N Q
	T -
	<b>∞</b> ≗∞π
	듣汉
- 1	
	<u> </u>
	್ಲಿ ಪ
	Œ
	<b>Ø</b> .
	9 5
	17.75
	9 4
$\Box$	ळ छ।
7	₩ ₹
Con	<b>σ</b>
~~	(Z)
<b>&gt;</b>	
YTY (	
Ш	
$\mathbf{\alpha}$	
-	
Σ	
$\overline{\mathbf{m}}$	_ a
Q	1 ¹¹
	α −
	ō <u>'</u> 1
	≨ &
	3 -
	1 S 44
	12 2
	19五
	se FY9 1530; I
1.	se F 153(
	7. Just
	Z ~!
l	<b>-</b>
	一工
l	
l	
1	
1	
1	

#### Bill Language Page 38-42

- (A) will strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaties (START-I and START-II); and
- (B) would further strengthen deterrence if reductions below the levels permitted under START-II should be agreed to in the future.
- no longer necessary for the United States to continue (A) notes that on the basis of section 235 it is discussions with Russia to clarify the distinction be-TIONS.—(1) The Congress—

#### Bill Language Page 61-65

flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

(c) Presidential Discussions With Other Na- | States missile defense or air defense system, system upotherwise constrained pursuant to the ABM Treaty in a grade, or system component is being limited, modified, or retary of Defense shall certify to Congress that no United of this Act, and each year thereafter in the annual report of the Ballistic Missile Defense Organization, the Sec-Not later than 60 days after the date of the enactment (d) ACTIONS OF THE SECRETARY OF DEPENSE. manner that is inconsistent with this section.

1	
	<u>—</u> ഗ
	୲ଲ୍ଡା
	I NI
	ゟ゙ヹ
	I≊ISI
	Ø 🛴
	ō -
	<b>4</b>
	1561
	<
	A 42
	15 Q.
	~ <del>-</del>
	ത് ഭി
	>- 0
	III O
	ا جن ق
	# %
_	ESI
#	0 -
	100 XX
0	, 0)
Ŏ	
$\preceq$	4
_	
9	
Ш	
$\mathbf{\alpha}$	
二	
•	
⋝	
ᄍ	
7	$= \infty$
Q.	面奥
	اچ چ
	े ठ
	1241
	1 2 E
	122
	197
	0
	1 % ==
	[
	l o al

#### Bill Language Page 38-42

tween ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;

- (B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and
- (C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a surveat Protection System, held promise of an agreement to amend the ABM Treaty to allow defense against a limited ballistic missile attack that would have included (among other measures) permitted de-

#### Bill Language Page 61-65

(e) Congressional Review of Range and VelocITY Parameters set forth in subsection (e) are based on
a distinction between strategic and nonstrategic ballistic
missiles that is technically and geostrategically outdated,
and, therefore, should be subject to review and change as
part of the Senate's comprehensive review under section
237.

NT) Senate FY96 DOD Authorization Bill	S. 1026; Sen. Rept. 104-112 (7/12/95)	See <u>Missile Defense Act</u> for Nunn amendment on the Missile Defense Act concerning the ABM Treaty (September 5, 1995)	
ABM TREATY (CONT	S. Bill Language	See Missile D Defense Act c	
ABM TF	H.R. 1530; H.Rept, 104-131 (6/1/95)		

ABM TREATY (Cont)	House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-112 (7/12/95)	ployment of as many as four ground-based interceptor	site currently permitted	under the ABM Treaty and unrestricted exploitation	ed sensors.	(2) In light of the findings in paragraph (1), Congress	urges the President to pursue high-level discussions with	o permit—	(A) deployment of the number of ground-based	ABM sites necessary to provide effective defense of the
	House FY96 DoD Author I.R. 1530; H. Rept. 104-1	many as four	sites in addition to the one site	M Treaty and	of ground-based and space-based sensors.	the findings in	t to pursue hi	Russia to amend the ABM Treaty to permit	yment of the	essary to provi

entire territory of the United States against limited

ballistic missile attack; and

(B) the unrestricted exploitation of sensors based

within the atmosphere and in space.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Bill Language Page 38-42

- (3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—
- (A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;
- (B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the

Y (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)											
ABM TREATY	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 38-42	(ii) the exchange on a reciprocal basis of	technical data and technology to support both	joint development programs and the sale and	purchase of missile defense systems and compo-	nents; and	(iii) operational level planning to exploit	current missile defense capabilities and to help	define future requirements.		

	O
	ଲ ଡ
	<u> </u>
	- 2 ·
	7
	NO
	E 7
	= 4
	30
	ത ല
-	> <del>0</del>
	LL (C)
	احد وہ ا
	. # × I
¥	ESI
(Con	<b>0</b> –
Ö	S C
O	(2)
5	
7	
Ш	
2	
2	
AE	≡ ₩
Q	m ≥
	C 5
	စ ဖ
	<b>3</b> 5
-	124
	3 -
	<b>4</b>
	Ď Ď
	0.0
ı	တ္း
	<b>∞</b> +
	ो ठी
	se 15
1	
	o m
. 1	8 6 T - P 1

#### Bill Language Page 407-409

SEC. 1227. SENSE OF CONGRESS ON ABM TREATY VIOLA-

#### TIONS.

- (a) FINDINGS.—The Congress finds the following:
- (1) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying ballistic missile early warming radars except at locations along the periphery of its national territory and oriented outward.
- (2) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.
- (3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Trea-

	2)
	ion Bi 7/12/9
	orizat -112 (
	D Auth
	96 Do
-	ite FY 26; Se
ont)	Sens S. 10
) >	
TREAT	
NE T	
AE	on Bill 5/1/95
	orizatic -131 (6
	5 Authort 104
	36 Dol H. Reg
	se FY9 1530; I
	Hous H.R.

#### Bill Language Page 407-409

ty as the critical long lead-time element of a nationwide defense against ballistic missiles.

- (4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that was judged to be for ballistic missile early warning and tracking.
  - (5) The Krasnoyarsk radar was certified by the Reagan Administration and previous sessions of Congress as an unequivocal violation by the Soviet Union of the Anti-Ballistic Missile Treaty.

Senate FY96 Do <b>D A</b> uthorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)															
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 407-409	(6) Retired Soviet General Y.V. Votintsev, Direc-	tor of the Soviet National Air Defense Forces from	1967 to 1985, has publicly stated that he was directed	by the Chief of the Soviet General staff to locate the	large phased-array radar at Krasnoyarsk despite the	recognition that its location would be a clear viola-	tion of the ABM Treaty.	(7) General Votintsev has publicly stated that	Marshal D.F. Ustinov, Soviet Minister of Defense,	threatened to relieve from duty any Soviet officer who	continued to object to the construction of a large-	phased array radar at Krasnoyarsk.	(b) Semse of Congress.—It is the sense of Congress	that

Senate FY96 DoD Authorization Bill 3. 1026; Sen. Rept. 104-112 (7/12/95)
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A . 1026; Sen. Rept. 1
Senate FY96 DoD A 3. 1026; Sen. Rept. 1
Senate FY96 Dol 3. 1026; Sen. Rep
Senate FY96 L 3. 1026; Sen. R
Senate FY9
Senate F., 1026; S.
Senate 3. 1026;
Sent 3. 10
Ø ,;
ာတ
1_;;
E 68
e7
T aff
12 2
1₹\$
[₹5]
얼팅
ŏŒ
8 I
l c igi
) 15,
3 m
二三
1

#### Bill Language Page 407-409

- (1) the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests; and
- (2) the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

### H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

#### Report Language Page 132-133

Policy on Anti-Ballistic Missile Treaty compliance

apparent efforts to turn the 1972 Anti-Ballistic Missile (ABM) Treaty into a new, multilateral "ABM-TMD Treaty" in its arms The committee is deeply concerned about the Administration's impose specific design limitations on U.S. systems and result in a control talks with Russia and others. Current U.S. proposals would significantly compromised U.S. TMD capability.

lect them in the event of conflict. Theater missile defenses are no sians-it risks American lives. The committee notes that the single ployed with the most modern and capable systems available to pro-U.S. TMD systems risks more than good relations with the Rusgreatest number of American deaths in the Gulf War resulted from The committee believes that U.S. forces overseas should be deexception to this rule. Artificially constraining the capabilities of the launch of one Iraqi Scud missile against a U.S. barracks in Saudi Arabia.

missile defenses which are not, is similar to the one used by the Administration at the beginning of the negotiations among the United States, Russia, and other nations. This definition would provide that a missile defense system which is covered by the ABM more than 5 kilometers per second. Put simply, if a missile defense system has not been flight-tested in an ABM mode-and therefore would prohibit the obligation or expenditure of funds for the purpose of applying the ABM treaty, or any limitation or obligation under that Treaty, to the research, development, testing or deployment of a theater missile defense system, upgrade, or component. The standard used to define the demarcation between anti-ballistic missile defense which are limited by the ABM Treaty, and theater reaty is defined as one which has been flight-tested against a balmore than 3,500 kilometers, or, second, a maximum velocity of The committee therefore recommends a provision (sec. 235) that istic missile which, in that flight test, exceeded, first, a range of has not demonstrated a flight-tested capability to counter inter-

#### Report Language Page 119-121

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi

Policy Regarding the ABM Treaty

plemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if imthis time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

if is prudent to dedicate a year to studying all ABM Treaty-related issues and alternatives. The committee, therefore, recommends a provision that calls for the Senate to undertake a careful one-year review of the continuing value and validity of the ABM Treaty, during which time all efforts by the administration to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty is not presently clear how best to achieve this goal. Incremental amendments to the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of re-Congress also will want to evaluate the Secretary of Defense's NMD implementation plan and a variety of technical and policy issues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, The Missile Defense Act of 1995 would establish a policy to seek placing the treaty with a more appropriate and up-to-date regime. a cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it

mittee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues. At To conduct this comprehensive review and to issue specific guidance, the committee recommends that the Senate consider estabthe end of the 104th Congress, the select committee would issue a ishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select comreport and be disbanded. should cease.

#### Report Language Page 132-133

continental ballistic missiles—it should not be limited in any way by the ABM Treaty.

The committee also recommends a provision (sec. 236) that would strongly urge the President to pursue high-level discussions with Russia to amend the ABM Treaty, and to seek to foster international coopeation in the development, deployment and operation of BMD systems.

Finally, it is the committee's understanding that all the elements of an NMD system architecture listed in section 233 can be developed and deployed under the ABM Treaty. The Treaty limits only the number of ground-based interceptors and the number ABM sites, and may affect the ability of sensors other than ABM radars to contribute efficiently to the performance of the overall NMD sys-

#### Report Language Page 119-121

To facilitate the Senate's review and to foster full and open debate, the committee recommends requiring the declassification of the ABM Treaty negotiating record. This action would be consistent with the classification policy in Executive Order 12958, announced by the administration on April 17, 1995. The Reagan Administration, which declassified a significant portion of the ABM Treaty record, established the precedent for this action. The committee understands that in connection with the 1997 study of the ABM Treaty by the State Department Legal Advisor, most of the negotiating record along with a complete index was compiled. The committee suggests that this would be a good starting point for the administration in providing Congress with the information requested.

Development, Testing and Deployment of Non-ABM Systems

The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "hational technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Report Language Page 145

SECTION 235-POLICY ON COMPLIANCE WITH THE ABIA TREATY

This section would establish policy concerning systems subject to the ABM Treaty, state certain prohibitions, and define an ABM-qualifying flight test.

#### Report Language Page 119-121

Senate FY96 DoD Authorization Bill S. 1026, Sen. Rept. 104-112 (7/12/95) The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not, subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

TY (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language See Missile Defense Act section for report language on ABM Treaty. (Conference Report pages 723)  Page 729-730	Policy regarding the ABT Treaty  The Senate amendment contained a provision (sec. 237) that  The Senate amendment contained, and requirements of the would clarify that the policies, programs, and requirements of the swould clarify that the policies, respective of title II of the Senate "Missile Defense Act of 1995" (subtitle C of title II of the Senate amendment) can be accomplished through processes specified in amendment) can be accomplished through processes specified in that the ABM Treaty, and that would express the sense of Congress the ABM Treaty.  The House bill contained a provision (sec. 242(c)(2)) that would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty.  The conference agreement does not include either provision.	
ABM TREATY (CONT)	Conference Report on FY96 DOD Authorization S, 1124; H.Rept. 104-450 (1/22/96)	Statutory Language See the Missile Defense Act section for language on ABM Treaty. See Sections 235 and 237.		

## **ABM TREATY (CONT)**

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 323-324

SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CON-CERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KNASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsh, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATE-MENTS.—CORESS further notes that in section 902-of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Congress also—

### Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Report Language Page 879

Congressional findings and Sense of Congress concerning treaty violations (sec. 1405)

The House bill contained a provision (sec. 1227) that would express a sense of Congress that the government of the former Soviet Union intentionally violated its legal obligation under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests, and that the United States should remain vigilant to ensure compliance with arms control obligations.

The Senate amendment contained no similar provision. The Senate recedes with a clarifying amendment that would outline the legislative history behind the provision.

## ABM TREATY (CONT)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 323-324

(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty. (c) Further Reference to 1989 Congressional Statements.—Congress further notes that in section 1006(b) of the National Statements.

tional Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543) Congress also—
(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsh radar expeditiously

and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Volintsee, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated-

#### Report Language

(CONT)	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language None	ort Language
ABM TREATY	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)		None None None

(Cont)	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)	Tanguage	
ABM TREATY (Cont)	Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	Statutory Language None None	

# FOLLOW-ON TECHNOLOGIES

FOLLOW-ON TECHNOLOGIES	Senate FY96 DoD Authorization Bill S. 1026: Sen. Bent 104.119 (7/19/95)	Bill Language Page 55  (d) Follow-On Systems.—(1) The Secretary—of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.  (2) Before adding new theater missile defense sys- tems to the core program from among the follow-on activi- ties, the Secretary of Defense shall submit to the concerne	sional defense committees a report describing—
FOLLOW-ON T	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 33-34 SEC. 294. FOLLOW-ON TECHNOLOGIES RESEARCH AND DE.  VELOPMENT.  (a) FOLLOW-ON NATIONAL AND THEATER MISSILE DEFENSE TECHNOLOGY.—The Secretary shall pursue re- search and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—  (1) protecting the United States against limited ballistic missile attacks; and	

FOLLOW-ON TECH	ON TECHNOLOGIES (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization BIII S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 33-34	Bill Language Page 55
(2) defending forward-deployed and expedition-	(A) the requirements for the program; (B) how the new program will relate to, sup-
ary elements of the Armed Forces of the United States and complementing and supporting the missile de-	port, and leverage off existing core programs;
fense capabilities of friendly forces and allies of the	(C) the planned acquisition strategy; and (D) a preliminary estimate of total program
Onted States. (b) Exclusion of Certain Systems From Initial	cost and budgetary impact.
DEPLOYMENT.—The initial National Missile Defense sys-	(e) Report. Not later than 60 days after the date
tem architecture developed for deployment pursuant to sec-	shall submit to the congressional defense committees a re-
tion 233(b) may not include—  (1) ground-based or space-based directed energy	port detailing the Searctary's plans for implementing the
weapons; or	g <del>uidance specified in this sectio</del> n.
(2) space-based interceptors.	

OLLOW-ON TECHNOLOGIES AMENDMENT TO ESTABLISH A BMD TECHNOLOGY CENTER	Senate FY96 DoD Authorization Bill S. 1025; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 80	SEC. 243. BALLISTIC MISSILE DEFENSE TECHNOLOGY CEN. TER.	(a) ESTABLISHMENT.—The Director of the Ballistic	Missile Defense Organization shall establish a Ballistic Mis-	sile Défense Technology Center within the Space and Stra-	tegic Defense Command of the Army.	(b) MISSION.—The missions of the Center are as fol-	lows:	(1) To maximize common application of ballistic	missile defense component technology programs, target	test programs, functional analysis and phenomenol-	ogy investigations.	
FOLLOW-ON TECHNOLOGIES SHELBY (R-AL) / HEFLIN (R-AL) AMENDMENT TO ESTABLISH	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

AENDMENT TO ESTABLISH A BMD TECHNOLOGY CENTER  Senate FY96 DoD Authorization Bill  S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language  Page 80  (2) To store data from the missile defense technology programs of the Armed Forces using computer facilities of the Missile Defense Data Center.  (c) TECHNOLOGY PROGRAM COORDINATION WITH rector of the Ballistic Missile Defense, acting through the Director of the Ballistic Missile Defense Organization, shall require the head of each element or activity of the Department of Defense beginning a new missile defense program ment of Defense beginning a new missile defense program referred to in subsection (b)(1) to first coordinate the program, with the Ballistic Missile Defense Technology Center	grain with grevent duplication of effort.	0.10
AL) A AL) A ion E	H.R. 1530; I.J. Rept. 104-131 (6/1795)		

			•	
			eld	
	Bill (95)		Hefi	
	5 Z		Bat	
	Zat 2 (7		n the	
	٤٤		int o	
	100		odme 5)	
			ımen 199	
IF	2 8 E		lby a st 5,	
Ö	Y96 Ser		She	
9	Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	·	See <u>BMD Funding</u> for Shelby amendment on the Battlefield Integration Center (August 5, 1995)	
贸	ena 10	ان ان	ndin ente	
	လလ	Bill Language	O Fu	
		Lan	BMI grati	
2		Bill	See Inte	
三				
O		•	•	
TEC			•. •	
N TEC				
V-ON TECHNOLOGIES (CONT	1 Bill 195)			
	100000000000000000000000000000000000000			
FOLLOW-ON TEC	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			
	House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)			
	100000000000000000000000000000000000000			
	100000000000000000000000000000000000000			

FECHNOLOGIES (CONT) Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language See Missle Defense Act for Nunn amendment on the Missile Defense Act concerning follow-on technologies (September 5, 1995)		
FOLLOW-ON TECHN House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95)			

# FOLLOW-ON TECHNOLOGIES (Cont)

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

## Report Language

Page 145

# SECTION 234—FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT

This section would direct the Secretary of Defense to pursue research and development of follow-on technologies and systems for national and theater missile defense, and state an exclusion from the initial deployment architecture.

### Report Language Page 131

# Russian-American observational satellites (RAMOS)

The committee commends the Department for providing increased funding in fiscal year 1995 for the RAMOS project. The committee continues to strongly support this cooperative research and development effort and recommends not more than \$10 million for this program in fiscal year 1996 in PE 63173C.

### Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) Report Language

## Page 122-123

# Other Theater Missile Defense Activities The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be made and greater efficiencies will have to

Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.

The committee does recommend an increase of \$15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

### Report Language Page 124

### Support Technologies

The committee notes that of the BMDO budget request, only approximately 6 percent is for advanced follow-on technology development. While the committee is pleased that BMDO is now pursuing a variety of major acquisition efforts, it is concerned that the pendulum may have swung too far away from technology development. If the present funding allocation continues, the United States will soon have "consumed its seed corn" and built structural obsolescence into its deployed BMD systems. Moreover, the United States will have abandoned promising missile defense technologies, which offer the possibility of vastly improving BMD cost and operational effectiveness.

The committee is particularly troubled by the administration's plans to terminate our last remaining space-based missile defense program, the space-based laser, at the end of fiscal year 1997. The committee believes that it is critical for the United States to continue developing space-based defenses to preserve the option of deploying highly effective global defenses in the future. The committee notes that a space-based laser would be the most effective system for intercepting ballistic missiles of all ranges in the boost phase. The committee therefore recommends an increase of \$70.0 million to the Support Technologies PE for the space-based laser program. The committee directs the Secretary of Defense to reinvigorate this program and to ensure that sufficient funds are provided in the outyears to continue a robust effort.

ı			
İ	1	_	•
ı	ļ	_	
ı	4		
i	(	Ĺ	
	(		
ı	•	`	
	(	,	•
ı	ļ	ļ	
	Ì	Ξ	
	• •		
	7		
		5	
	-	_	
1		5	
1	Ì		
1	_		•
•	4	_	
(		)	)
•		L	
`	5	>	
(		)	
	_	J	
_	_	l	
(		)	
L	Ĺ		

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language

None

### Report Language Page 707

Support Technologies—The budget request contained \$93.3 million in PE 62173C and \$79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.

The House bill would authorize the budget request for BMD

Support Technologies.

The Senate amendment would authorize an increase of \$70.0 million in PE 63173C for the Space-Based Laser (SBL) program.

The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of \$50.0 million, for a total authorization of \$129.4 million in PE 63173C. tinue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Apha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; The conferees believe that it is critical for the United States to con-(3) produce the concept of operations and design requirements for

Ĺ	_
Г	_
	7
7	=
r	7
•	•
C	)
3	_
1	n
CLIC	ŭ
U	Ц
Ξ	
ı	n
•	J
1	7
•	بِ
_	┙
7	↸
l	J
-	5
4	
-	г
7	Ţ
7	_)
ì	īı
÷	_
ŀ	_
_	
2	Z
7	≂
(	_)
•	1
	>
-	5
7	$\leq$
(	ر
-	
	_]
1	1
•	J
1	Ĺ
-	

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Statutory Language

None

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Report Language Page 707

a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.

crease in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities en-The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such crease funding for advanced technology development. However, the conferees note that such increases will require an overall increase funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to inin the funds allocated to BMDO. The conferees support such an indorsed by the conferees.

Ballistic missile defense follow-on technology research and development

vide guidance on follow-on technology development for theater and The House bill contained a provision (sec. 234) that would pronational ballistic missile defense programs.

The Senate amendment contained no similar provision. The House recedes.

W-ON TECHNOLOGIES (CONT)	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Report Language  Page 740  Battlefield Integration Center The Senate amendment contained a provision (sec. 201(4)(C)) that would authorize the use of up to \$25.0 million in Defensewide research, development, test, and evaluation (RDT&E) funds made available for Other Theater Missile Defense activities for the Army's Battlefield Integration Center (BIC). The House bill contained no similar provision. The Senate recedes. The conferes agree to authorize an increase of \$21.0 million in PE 63308A for the BIC.  Page 741  Ballistic missile defense technology center The Senate amendment contained a provision (sec. 243) that would establish a ballistic missile defense technology center within the Space and Strategic Defense Command of the Army. The House bill contained no similar provision.
FOLLOW-ON TECH	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	None None

FOLLOW-ON TECHNOLOGIES	ECHNOLOGI	ES	
House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Senate S. 1087	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)	
Bill Language Page 73	Bill Language None		
SEC. 8068. Notwithstanding any other provision of			
law, funds appropriated in this Act for the High Perform-			
ance Computing Modernization Program shall be made			
available only for the acquisition and sustainment of oper-			
ations, including maintenance of the supercomputing and			
related networking capability at (1) the DOD Science and			
Technology sites under the cognizance of the DDR&E, (2)			
the DOD Test and Evaluation centers under the Director,			
Test and Evaluation, OUSD (A&T), and (3) the Ballistic			
Missile Defense Organization: Provided, That the con-			

tracts, contract modifications, or contract options are

awarded competitively solely upon the requirements of the

OW-ON TECHNOLOGIES (CONT) ENT FOR THE BATTLEFIELD INTEGRATION CENTER	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language Page 29	Provided further, That of the \$475,470,000 appropriated in this paragraph for the Other Theater Missile Defense, un	to \$25,000,000 may be available for the operation of the Battlefield Integration Center:	
FOLLOW-ON TEC SHELBY (R-AL) AMENDMENT FOR TH	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)				

+	_
Ž	5
	′
7	_
"	•
Y	1
브	7
C	5
č	Ì
_	ĺ
7	5
$\exists$	,
=	=
7	7
1	•
μ	J
	-
Z	_
7	=
•	)
7	)
J-W	)
77/1/	ノニスト
	ノニスス)・
	()   ^ ()
7-MO   1C	ソニスト くししん
	ノーハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・ハー・

House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)

### Report Language

None

### Report Language Page 183

High Performance Computing Modernization Program.—The Committee recommends \$119,682,000, an increase of \$30,000,000 to the budget request amount for the Department of Defense [DOD] High Performance Computing Modernization Program. The recommendation reflects three significant adjustments. The Committee approves a decrease of \$15,000,000 to reflect the availability of fiscal year 1995 funds which will be carried into fiscal year 1996. Second, the Committee adds \$15,000,000 to this program element to establish a new project which will allow DOD to pay the operation and sustainment costs for supercomputers which were purchased with DOD funds and can play an integral role in helping DOD to meet its supercomputing capability and capacity requirements. The Committee directs the Under Secretary of Defense for Acquisition and Technology to develop and provide to the Committees on Appropriations a plan for allocating these funds. This plan should also identify the funds DOD plans to budget in future years to continue to ensure that these capable computing systems are available to DOD scientists and engineers.

\$30,000,000 which shall only be available for upgrades and modernization of the Ballistic Missile Defense Organization's [BMDO] Advanced Research Center [ARC] supercomputing facility. These funds will enable the ARC to expand its ability to meet the supercomputing needs of BMDO and the U.S. Army Space and Strategic Defense Command [USASSDC].

N-ON TECHNOLOGIES (Cont)	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)	Report Language Page 186-187	Support technologies /follow-on technologies advanced development.—The Committee has provided \$149,387,000, the recommended authorization amount, to support the development of product improvements and next generation missile defense systems. Within the available funds, the Committee directs that \$10,000,000 shall be available only to continue efforts under the Russian-American Observational Satellites [RAMOS] Program.  In order to optimize follow-on technology development, the Committee directs BMDO to designate the Army Space and Strategic Defense Command [SSDC] as a center of excellence for technology development. The Committee believes that commonality in requirements offers the potential for cost savings through centralized screening and common technology development, with SSDC functioning as the executive agent to BMDO, to help assure that duplication is avoided, and efficiencies maximized.
FOLLOW-ON TECHNO	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Report Language None	

Ξ
5
$\tilde{\mathcal{L}}$
$\boldsymbol{\Xi}$
(Cont)
S
Ш
FOLLOW-ON TECHNOLOGIES
Ō
O
0
ž
Ŧ
六
$\mathbf{x}$
Z
$\overline{O}$
$\mathcal{I}$
~
5
4
$\overline{}$
$\mathbf{c}$
<u></u>

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)

### Statutory Language Page 31

SEC. 8073. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition and sustainment of operations, including maintenance of the supercomputing and related networking capability at (1) the DOD Science and Technology sites under the cognizance of the DDR&E, (2) the DOD Test and Evaluation centers under the Director, Test and Evaluation, OUSD (A&T), and (3) the Ballistic Missile Defense Organization: Provided, That the contracts, contract modifications, or contract options are awarded upon the requirements of the users.

Report Language None MISSILE DEFENSE ACT

MISSIFEDE	ISSILE DEFENSE ACT
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 31-38	Bill Language Page 49-59
SEC. 231. SHORT TITLE.	SEC. 231. SHORT TITLE.
This subtitle may be cited as the "Ballistic Missile De-	This subtitle may be cited as the "Missile Defense
fense Act of 1995".	Act of 1995".
SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE	SEC. 232. FRADINGS.
UNITED STATES.	Congress makes the following findings:
It is the policy of the United States—	(1) The threat that is posed to the national se-
(1) to deploy at the earliest practical date highly	curity of the United States by the proliferation of
effective theater missile defenses (TMDs) to protect	ballistic and cruise missiles is significant and grow-
forward-deployed and expeditionary elements of the	ing, both quantitatively and qualitatively.
Armed Forces of the United States and to complement	(2) The deployment of Theater Missile Defense
and support the missile defense capabilities of friend-	systems will deny potential adversaries the option of
ly forces and of allies of the United States; and	escalating a conflict by threatening or attacking

	= ਨ
	- X Z I
	¥ N
3	<u></u>
	NO
	= -
	0 -
	<b>E</b> 41
	<b>58</b>
	· · ·
<b>NSE ACT (Cont)</b>	>- Q
	I LL CO
X	20
O	യ വ
	O
<b>L</b> _	w w
C	
O	S
A	
4	
1:1	
<u> </u>	
ഗ	
)EFE	
ш	
面	
<u></u>	
Ш	$= \omega$
$\Box$	ାଳ ଦା
S	
<u>SS</u>	<u></u>
(C)	
=	× ~
<b>&gt;</b>	
	O I
	E Z
*	$\circ \circ$
•	
	1 1 1 T
	se FY96 D 1530; H. F
	— ന
	യഗ
	use FY9 , 1530; F
	1 2 2
•	一方田
	38533000

(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

SEC. 233. IMPLEMENTATION OF POLICY.

- (a) TMD DEPLOXMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.
- (b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense

#### Bill Language Page 49-59

United States forces, coalition partners of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(3) The intelligence community of the United States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed balissic missile

•		
100	=.0	
	# 9 I	
	<u> </u>	
	<b>C</b> —	
	0	
	2 61	
	5 -	
	Œ U	
	= 2	
٠.	7	
	ಿ ನ್	
	<i>(</i> )	
	തെ	
	>- <del>0</del>	
٠.	டும	
<b>C</b> `		
0	20	
$\sim$	14 CV	
$\mathcal{O}_{\mathcal{I}}$	F 2	
	1,2	
<u> </u>	19////	
5	တ	
⋖		
		۱
Ш		:
(A)		
3		•
FENS		
Ш		
111		
=		
2.2		
ш		
	= w	
	m ®	
S		
(A)	िहरू हो।	
===	r≅ ≃i	
5	₩ ←	
_	NO	
	1241	
l		
	₹ 🗓	
ł	೧ ಕ	
1	္ ပ	
<b>!</b> .	$\circ$ $\circ$	
•	10 H	
l	$\mathbb{Z}$	
•	ouse FY96 Dol R. 1530; H. Re	
	In O	
	Ise F 1530	
l	க் வ	
I	22	
1	K ~	
1	후표	
1		
I		
.)		
1		
l	1	
-		
} `		

shall develop for deployment at the earliest practical date fense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be an affordable, operationally-effective National Missile Dedeveloped for deployment shall include the following:

single site or a greater number of interceptors at a B number of sites, as determined necessary by the Sec-(1) Up to 100 ground-based interceptors at retary.

- (2) Fixed, ground-based radars.
- type of space-based sensors known as ABM-adjunct Treaty), those sensor systems (such as the Space and (3) Space-based sensors, including, within the sensors (such sensors not being prohibited by the ABM

# Page 49-59

east within the next 10 years there are ways for determined countries to acquire intercontinental ballisthreat to the continental United States is not foretic missiles in the near future and with little warning by means other than indigenous development.

will reduce the incentives for countries to acquire such missiles or to augment existing missile capabili-(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, ties. (5) The Gold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction be-

_
يب
Ξ
0
Ŏ
$\succeq$
ACT
A
ENSE:
<u>ഗ</u>
Z
ш
II
出
ш
لـــا
言
Ų
ISSI
$\stackrel{\sim}{=}$
$\geq$
_

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 31-38

Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

- (4) Battle management, command, control, and communications.
- (c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—

# Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Bill Language Page 49-59

tween strategic defense and nonstrategic defense, is technologically and geostrategically outdated.

- (6) The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in a multipolar world and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.
- (7) By undermining the credibility of, and incentives to pursue, destabilizing first-strike strate-

(2) the deployment of a national missile defense system which meets the requirements specified in sub-number of strategic nuclear forces in their respective inventories.  SEC. 234. FOLLOW-ON TECHNOLOGIES RESEARCH AND DE.	-inventories. (8) Although technology control regimes and
VELOPMENT.  (a) FOLLOW-ON NATIONAL AND THEATER MISSILE  DEFENSE TECHNOLOGY.—The Secretary shall pursue re- search and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—	other forms of international arms control can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.

MISSILE DEFENSE ACT (Cont)

	D Authorization Bill nt. 104-112 (7/12/95)	
<b>IISSILE DEFENSE ACT (Cont)</b>	Senate FY96 DoD S. 1026; Sen. Rept.	4
<b>FENSE A</b>		
SSILE DE	ation Bill 11 (6/1/95)	
M	5D Authorizat ept. 104-131	
	ouse FY96 Do 3, 1530; H. R	
	Hor. H.R.	

- (1) protecting the United States against limited ballistic missile attacks; and
- (2) defending forward-deployed and expeditionary elements of the Armed Forces of the United States and complementing and supporting the missile defense capabilities of friendly forces and allies of the United States.
- (b) EXCLUSION OF CERTAIN SYSTEMS FROM INITIAL DEPLOYMENT.—The initial National Missile Defense system architecture developed for deployment pursuant to section 233(b) may not include—
- (1) ground-based or space-based directed energy

weapons; or

Bill Language Page 49-59 (9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

SEC. 233. MISSILE DEFENSE POLICY.

It is the policy of the United States to

(1) deple as soon as possible highly effective theater missi defenses capable of countering existing and emerging theater ballistic missiles;

MISSILE DEFENSE ACT (Cont)	SE ACT (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 31-38	Bill Language Page 49-59
(9) engre-based intercentors	(2) deploy a multiple site national missile de-
SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.	fense system that (A) is highly effective against lim-
(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM	ited ballistic missile attacks on the territory of the
TREATY.—Congress finds that, unless and until a missile	United States, and (B) will be augmented over time
defense system, system upgrade, or system component is	to provide a layered defense against larger and more
Žě	sophisticated ballistic missile threats;
in subsection (c)), such system, system upgrade, or system	(3) improve existing cruise missile defenses and
component—	deploy-as-soon as practical defenses that are highly
(1) has not, for purposes of the ABM Treaty,	offective against advanced emise missiles;
been tested in an ABM mode nor been given capabili-	(4) pursue a focused research and development
ties to counter strategic ballistic missiles; and	program to provide follow-on ballistic missile defense
(2) therefore is not subject to any application,	options;
limitation, or obligation under the ABM Treaty.	

MISSILE DEFENSE ACT (Cont)	USE ACT (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
Bill Language Page 31-38	Bill Language Page 49-59
(b) PROHIBITIONS.—(1) Funds appropriated to the	(5) employ streamlined acquisition procedures
Department of Defense may not be obligated or expended	to lower the cost and accelerate the pace of develop-
for the purpose of—	ing and deploying theater missile defenses, cruise
(A) prescribing, enforcing, or implementing any	missile defenses, and national missile defenses, and
Executive order, regulation, or policy that would	(6) seek a cooperative transition to a regime
apply the ABM Treaty (or any limitation or obliga-	that does not feature mutual assured destruction
tion under such Treaty) to research, development,	and an offense-only form of deterrence as the basis
testing, or deployment of a theater missile defense sys-	for strategic stability.
tem, a theater missile defense system upgrade, or a	SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.
theater missile defense system component; or	(a) ESTABLISHMENT OF CORE PROGRAM.—To imple-
(B) taking any other action to provide for the	ment the policy established in section 233, the Secretary
ABM Treaty (or any limitation or obligation under	of Defense shall establish a top priority core theater mis-
	sile defense program consisting of the following systems:

		_	_	
•		_	3	١
		ř		
	ì	2	7	
	(	C	)	
1	٢	1	١	
•	١		•	
•	۰	•	-	
1			_	
ļ			_	
Į			)	
		4	ŕ	
•	۰	•	Ļ	
Į		Į	j	
í	٢	1	١	
		_	_	
•		2	_	
i	ì	ì	ī	
Į		ì	d	
Į	۰	1		
i	l	ı	Ī	
ı		-	•	
1	ĺ		1	
			_	
1	L	1	1	
1			7	
1		_	4	
•	2		=	
(	Ĺ	J	)	
í	í	1	٦	
	١	•	_	
		E	_	
1		Ē	2	

# Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

#### Bill Language Page 31-38

such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

- (2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.
- (3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

# S. 1026; Sen. Rept. 104-112 (7/12/85) Bill Language Page 49-59

- (1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.
- (2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.
- (3) The Theater High Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.

				ì	١
	1	ĺ		-	
		ĺ		)	
1				)	
•					
1	ļ				
(	ĺ			)	
i			1	ŕ	
				•	
	ļ	į	Ļ	ı	
1	ĺ	Į	1	)	
•		į	7	7	
ì	ı	1	ì	ı	ļ
1	i	١	į		
1	i			ì	
1					l
1	ľ			1	Ì
ı	L	1	l	1	Ì
١				1	ı
1					ļ
1	ĺ	1	1	1	)
	i	ĺ	ſ	i	ì
				•	8
		Ę			
1	•				•

## S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

#### Bill Language Page 31-38

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

## SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM AC-COUNTABILITY.

stones, schedule, and cost of each ballistic missile defense (a) ANNUAL BIND PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense program specified in subsection (c).

## Bill Language

- tem, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year (4) The Navy Upper Tier (Theater Wide) sys-
- retary of Defense shall ensure that core theater missile committees an annual report describing the technical mile- | ploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS). TEMS. To maximize effectiveness and flexibility, the Secdefense systems are interoperable and fully capable of ex-(b) INTEROPERABILITY AND SUPPORT OF CORE SYS-

MISSILE DEFENSE ACT (Cont)	SE ACT (Cont)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
	Bill Language Page 49-59
(b) MATTERS TO BE INCLUDED.—Each report under	(c) TERMINATION OF PROGRAMS.—The Secretary of
subsection (a) shall list all technical milestones, program	Defense shall terminate the following programs:
schedule milestones, and costs of each phase of development	(1) The Corps Surface to Air Missile system
and acquisition, together with total estimated program	-(Corps-SAM).
costs, covering the entire life of each program specified in	(2) The Boost Phase Interceptor (BPI).
subsection (c).	(d) Follow On Systems. (1) The Secretary of
(c) Covered Programs.—The reports under this sec-	Defense shall develop an affordable development plan for
tion shall cover the following programs:	follow on theater missile defense systems which leverages
(1) Theater High Altitude Area Defense	existing systems, technologies, and programs, and focuses
(THAAD).	investments to satisfy military requirements not met by
(2) Patriot Advanced Capability-3.	the core program.
(3) Navy Lower Tier.	
(4) Navy Upper Tier.	

MISSILE DEFENSE ACT (Cont)	House FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	anguage Bill Language
	•	Bill Language

### Page 31-38

- (5) Corps Surface-to-Air Missile.
- (6) Hawk.
- (7) Boost Phase Intercept.
- (8) National Missile Defense.
- (9) Arrow.
- (10) Medium Extended Air Defense.
- of Defense initiates after the date of the enactment of (11) Any theater missile defense program or national missile defense program which the Department this Act.
- the annual report under this section, the Secretary shall de-(d) VARIANCE REPORTING REQUIREMENTS.—(1) In scribe, with respect to each program covered in the report,

### Page 49-59

- tems to the core program from among the follow on activi-(2) Before adding new theater missile defense systies, the Secretary of Defense shall submit to the congressional defense committees a report describing-
- (A) the requirements for the program;
- (B) how the new program will relate to, support, and leverage off existing core programs;
- (C) the planned aequisition strategy, and
- (D) a preliminary estimate of total program cost and budgetary impact.
- of the enactment of this Act, the Secretary of Defense (e) REPORT.—Not later than 60 days after the date

ont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	
MISSILE DEFENSE ACT (Cont	Authorization Bill Sen. . 104-131 (6/1/95) S. 10	Bill Language
	House FY96 DoD Autl H.R. 1530; H. Rept. 10	Bill Language

any difference in the technical milestones, program schedule milestones, and costs for that program—

(A) compared with the information relating to that program in the report submitted in the previous year; and

(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.

(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.

(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than

Senate FY96 DoD Authorization Bill
S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language
Page 49-59
shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing the guidance specified in this section.

SEC. 235. NATIONAL MISSILB DEFENSE SYSTEM ARCHITEC.

TURE.

(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability (100) by the end of 2003. The national missile defense system to be developed for deployment shall include the following:

	<u>— 10</u>	
	ାଳ ହା	
	= 0	
	って	
	i ≆ bi	
	S C	
	<u> </u>	
	# 4	
	<b>30</b>	
	8	
:		
	2 8	
	<u> </u>	
_	တ .	
<b>(</b> )	<b>∞</b> ⊆	
	<u> </u>	
O	₩	
3	36 at	
ACT (Cont)	02	
	S.	
2	် လ	
⋖		
<b>#</b>		
<u>(7)</u>		
Z		
<b>EFENSI</b>		
ĬI.		
回		
$\overline{}$		
Щ	1 _ പ്	
	<b>≅</b> 6	
븠		
ഗ		
SSILI		
¥	ल —	
$\geq$	<u>.</u> ≥ ∞	
	5 7	
	동공	
	1 3 <del>-</del>	
	اند	
	五 五 五 五	
	796 [ . H. F	
	FY96 [ X0; H. F	
	9 FY96 E 530; H. F	
	se FY96 L 1530; H. F	
	ouse FY96 L 1. 1530; H. F	
	1ouse FY96 [ R. 1530; H. F	
	House FY96 [ H.R. 1530; H. F	
	House FY96 [ H.R. 1530; H.F	
	House FY96 [ H.R. 1530; H. F	
	House FY96 [ H.R. 1530; H. F	
	House FY96 [ H.R. 1530; H. F	
	House FY96 [ H.R. 1530; H.F	
	House FY96 [ H.R. 1530; H. F	

# Bill Language Page 31-38 30 days after the date on which the Presi

30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

## SEC. 237. ABM TREATY DEFINED.

"ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 is repealed.

#### Bill Language Page 49-59

- (1) Ground based interceptors deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attacks.
- sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.
- (3) Battle management, command, control, and communications (BM/G3).

ISE ACT (Cont) Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	(b) INTERIM OPERATIONAL CAPABILITYTo pro-	vide a hedge against the emergence of near term ballistic	missile threats against the United States and to support	the development and deployment of the objective system	specified in subsection (a), the Secretary of Defense shall	develop an interim national missile defense capability, cen-	sistent with the technical requirements and schedule of	such objective system, to be operational by the end of	1999. In developing this capability the Secretary shall	make use of—	(1) developmental, or user operational evalua-	tion system (UOES) interceptors, radars, and battle	management, command, control, and communica-	
MISSILE DEFENSE ACT (Cont)  House FY96 DoD Authorization Bill  Har 1530: H. Bent, 104-131 (6/1/95)  S. 1026; Se	3														

ILE DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	tions (BM/C3), to the extent that such use directly	supports, and does not significantly increase the cost	of, the objective system specified in subsection (a);	—(2) one or more of the sites that will be used	as deployment locations for the objective system	specified in subsection (a);	(3) upgraded early warning radars, and	(4) space-based-sensors.	(c) Use of Streamlined Acquisition Proce-	DURBS.—The Secretary of Defense shall prescribe and use	streamlined acquisition procedures to—	(1) reduce the cost and increase the efficiency	of developing the national missile defense system	s <del>pecified in subsection (a); an</del> d	
MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 31-38															

ISE ACT (Cont) Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59  (2) ensure that the interim national missile defense capabilities developed pursuant to subsection	(b) are operationally effective and on a path to fulfill the technical requirements and schedule of the objec-	tive system. (d) Additional Cost Saving Measures.—In addi-	tion to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effective-	ness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The	cost saving measures should include the following: (1) The use of existing facilities and infrastructure.
MISSILE DEFENSE ACT (Cont)  House FY96 DoD Authorization Bill  H.R. 1530; H. Rept. 104-131 (6/1/95)						

SILE DEFENSE ACT (Cont)  n Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Authorization Bill Senate FY96 DoD Aut	Bill Language Page 49-59	(2) The use, where appropriate, of existing or	upgraded systems and technologies. (3) Development of systems and components	that do not rely on a large and permanent infra-	structure and are easily transported, emplaced, and moved.	(e) Report on Plan for Deployment.—Not later	than 60 days after the date of the enactment of this Act,	the Secretary of Defense shall submit to the congressional	defense committees a report containing the following mat-	ters:	(1) The Seerctary's plan for carrying out this	section.	
MIS:	Bill Language Page 31-38												

ILE DEFENSE ACT (Cont)  Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	(2) An analysis of options for supplementing or	specified in subsection (a) before attaining initial	operational capability, or evolving such architecture	in a building block manner after attaining initial	operational capability, to improve the cost effective-	ness or the operational effectiveness of such system	by adding one or a combination of the following:	(A) Additional ground based interceptors	at existing or new sites.	(B) Sea-based missile defense systems.	(C) Space based linetic energy intercep-	<b>form</b> .	(D) Space-based directed energy systems.
MISSILE DEFEN House FY96 DoD Authorization Bill HR 1530: H. Rept. 104-131 (6/1/95)														

DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	SEC. 236. CRUISE MISSILE DEFENSE INTHATIVE.	(a) IN GENERAL.—The Secretary of Defense shall	undertake an initiative to coordinate and strengthen the	cruise missile defense programs, projects, and activities of	the military departments, the Advanced Research Projects	Agency and the Ballistic Missile Defense Organization to	ensure that the United States develops and deploys highly	effective defenses against existing and future ornise mis-	sile threats.	(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In	earrying out subsection (a), the Secretary of Defense shall	onsure that—	
MISSILE DEFENS	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

$\overline{}$	
···	
_	
_	
C)	
•	
_	٠
•	
<b>.</b>	
~	
~	
-	
لللا	
4	
m	
V)	
-	
MISSILE DEFENSE ACT (Cont)	
_	
111	
ш	
1 T	
ш	
=	
$\frown$	
ш	
111	
ليو	
_	
10	
U)	
"	
UJ	
=	
_	

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

## Bill Language Page 49-59

- (1) to the extent practicable, the ballistic missile defense and oruise missile defense efforts of the Department of Defense are coordinated and mutually reinforeing;
- -(2) existing air defense systems are adequately upgraded to defend against existing and near-term eruise missile threats; and
- (3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems that are highly effective against advanced eruise missiles, including cruise missiles with low observable features.

	- 18	
	≡ை	
	$-\infty \lesssim$	ŀ
	<u> </u>	ŀ
	0 %	
		İ
	N AI	
		ŀ
	$\circ$ $-$	ļ
-	£ 4-	
3 3	50	
	≪ ⊤	
	$\cap \omega$	
	ಾ ೭	
	. a. ₩	
	1 × ×	
	>	l
<u>+</u>	LL (O	l
<b>DEFENSE ACT (Cont)</b>	n	
0	<b>Ε</b> Θ	ĺ
O	$\sim$	l
	(D)	
<b>1</b>	<b>ω</b> .	
<b>5</b>	S	
O		
⋖		ĺ
		İ
ш		
(C)		
Z		
TITE I		
11		
Щ		
	= 10	
<b>MISSILE</b>	<u> </u>	
	- T	
7	ဝ ဖ	
97		
$\mathcal{O}$	® <u>≂</u>	
₹	- ≗ ⊻	
	O L	
	E E	
	⋖ .	ĺ
	മെത്	
	BoD Rept	l
	ω <i>≕</i>	l
	8 T	
	∣≻ನ	ĺ
٠.	use FY96 , 1530; H.	ŀ
	യധ	l
	Sn.	ĺ
	ГÖM	ŀ
	H,R	
		ŀ
		•

## Bill Language Page 49-59

- days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for earrying out this section. The plan shall include an assessment of—
- (1) the systems that ourrently have eruise missile defense capabilities, and existing programs to improve these capabilities;
- (2) the technologies that could be deployed in the near to mid term to provide significant advances over existing eruise missile defense capabilities, and

MISSILE DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	technologies for deployment:	(3) the east and operational tradcoffs, if any,	between upgrading existing air and missile defense systems and accolorating follow on systems with sig-	nificantly—improved—capabilities—against—advanced	eruiso missiles; and	that would strengthen and further coordinate the	cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of im-	plementing such changes.	
MISSILE DEFEI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)										

LE DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	SEC. 237. POLICY REGARDING THE ABM TREATY.	(a) SENSE OF CONGRESS. In light of the findings	and policies provided in this subtitle, it is the sense of Con-	gress-that—	(1) the Senate should—	(A) undertake a comprehensive review of	the continuing value and validity of the ABM	Treaty with the intent of providing additional	policy guidance on the future of the ABM Trea-	ty during the second session of the 104th Con-	grees; and	(B) consider establishing a select commit-	tee to carry out the review and to recommend	such additional policy guidance on future appli-
MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)															

ILE DEFENSE ACT (Cont) Senate FY96 DoD Authorization Bill	S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	eation of the ABM Treaty as the select commit-	tee considers appropriate; and	(2) the President should eease all efforts to	modify, clarify, or otherwise alter United States obli-	gations under the ABM Treaty pending the outcome	of the review.	(b) ABM TREATY NEGOTIATING RECORD.—(1) To	support the comprehensive review specified in subscetion	(a), the Sceretary of Defense, in consultation with other	appropriate officials of the executive branch, shall provide	the Senate with a complete, declassified version of the	ABM Treaty negotiating record, including-	(A) within 30 days after the date of the enact-	ment of this Act, an index of the documents com-
MISS	House FY95 DoD Authorization bill H.R. 1530; H. Rept. 104-131 (6/1/95)															

LE DEFENSE ACT (Cont)  Senate FY96 DoD Authorization Bill	S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	prising the negotiating record; and	(B) within 60 days after the date of the enact-	ment of this Act, the documents comprising the ne-	gotiating record in unclassified form.	(2) If the Seerctary considers it necessary to do 39,	the Secretary may submit the documents referred to in	paragraph (1)(B) in classified form when due under that	paragraph. If the Secretary does so, however, the Sec-	retary shall submit the documents in unclassified form	within 90 days after the date of the enactment of this Act.	(c) WAIVER. The Sceretary of Defense, after con-	sultation with any select committee established in accord-	ance with subsection (a)(1)(B) or, if no select committee,	
MISSILE DEFEN	H.R. 1530; H. Rept. 104-131 (6/1/95)															

MISSILE DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	the Committee on Armed Services of the Senate, may	waive the declassification requirement under subsection (b) on a document by document basis.	SEC. 238. STANDARD FOR ASSESSING COMPLIANCE WITH	THE ABM TREATY.	(a) - Policy Concerning Systems : Subject to	ABM Treaty.—Unless and until a missile defense or air	defense-system, system upgrade, or system component, in-	eluding one that exploits data from space-based or other	external sensors (such as the Space and Missile Tracking	System, which can be deployed as an ABM adjunct, or	the Navy's Cooperative Engagement Capability), is flight	
MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	tested in an ABM-qualifying flight test (as defined in sub-	section (e)), such system, system upgrade, or system com-	ponent —	(1) has not, for purposes of the ABM Treaty,	-been tested in an ABM mode nor been given capa-	bilities to counter strategic ballistic missiles; and	(2) therefore is not subject to any application,	limitation, or obligation under the ABM Treaty.	(b) Prohibitions.—(1) Appropriated funds may not	be obligated or expended by any official of the Federal	Government for the purpose of—	(A) prescribing, enforcing, or implementing any	Executive order, regulation, or policy that would	
								·			,				
(				٠.						. '			٠		
n Bill (1/95)	·	•								· .			:4 .		
ization 31 (6)		*.					1	•		. **		. •		: .	٠,
uthor 104-1		_													
DoD Authorization Rept. 104-131 (6/									·			*		٠.	
98 T		•				•			î î v		·			: *	
House FY96 H.R. 1530; H.															
HOU.													·- ·		
		ه سر ین				**		r ye v . ures	د د معنی د دو						3

MISSILE DEFENSE ACT (Cont)

Senate FY96 DoD Authorization Bill S: 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	apply the ABM Treaty (or any limitation or obliga-	tion under such Treaty) to research, development,	testing, or deployment of a missile defense or air de-	fense system, system upgrade, or system component,	including one that exploits data from space-based or	other external sensors; or	(B) taking any other action to provide for the	ABM Treaty (or any limitation or obligation under	such treaty) to be applied to research, development,	testing, or deployment of a missile defense or air-de-	fense system, system upgrade, or system component,	including one that exploits data from space based or
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

MISSILE DEFENSE ACT (Cont)

- other external sensors.

LE DEFENSE ACT (Cont) Senate FY96 DoD Authorization Bill,	S. 1026; Sen, Hept. 104*112 (7/12/95)	Bill Language Page 49-59	(2) This subsection shall cease to apply with respect	to a missile defense or air defense system, system upgrade,	or system component, including one that exploits data	from space based or other external sensors, when that sys-	tem, system upgrade, or system component has been flight	tested in an ABM-qualifying flight test.	(c) ABM-QUALIFYING PLIGHT TEST DEPINED.—	For purposes of this section, an ABM qualifying flight test	is a flight test against a ballistic missile which, in that	flight test, exceeds (1) a range of 3,500 kilometers, or (2)	a velocity of 5 kilometers per second.	(d) ACTIONS OF THE SECRETARY OF DEFENSE.—	Not later than 60 days after the date of the enactment	
MISSILE DEFEN																

1	
-	
	≔ಹ
.]	(C)
: 1	N CI
	<i>∞</i> = ∞ ∞
	o∺
	S 688
	(0)
	<u> </u>
	X
<b>(</b>	
ACT (Cont)	ارت س
<u></u>	1000 A
0	
13	TO OU
U	
<u> </u>	0 -
. :	70
<b>—</b>	တ်
2.	
1	
1	
Ш	
10	
97	
Z	
DEFENSE	
ш	
11	
ш	
	<b>3</b> 0
	m ≥
IISSI	
l (C)	
1	
U	
	N CO
1 5	
ł	
1	
1	െരി
	DoL
1	
1	
1	
ī	
1	93
1 :	~~~
i i	
1	
.I	se F 53(
i	<u>o</u>
1	
1 :	
1	
1 .	T.
1	
1	
1 "	

## Bill Language Page 49-59

of this Act, and each year thereafter in the annual report of the Ballistic Missile Defense Organization, the Secretary of Defense shall certify to Congress that no United States missile defense or air defense system, system upgrade, or system component is being limited, modified, or otherwise constrained pursuant to the ABM Treaty in a manner that is inconsistent with this section.

(e) Congressional Review of Palver and Velocity Parameters set forth in subsection (c) are based on a distinction between strategic and nonstrategic ballistic missiles that is technically and geostrategically outdated,

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	and, therefore, should be subject to review and change as	part of the Senate's comprehensive review under section	<del>237.</del>	SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELE.	-MENTS.	(a) Elements Specified. In the budget justified-	tion materials submitted to Congress in support of the De-	partment of Defense budget for any fiscal year after fiscal	year 1996 (as submitted in the budget of the President	under section 1105(a) of title 31, United States Gode),	the amount requested for activities of the Ballistic Missile	Defense Organization shall be set forth in accordance with	the following program elements:	
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)		-													

MISSILE DEFENSE ACT (Cont)

E DEFENSE ACT (Cont) Senate FY96 DoD Authorization Bill S 1026: Sen. Rept. 104:112 (7/12/95)	Bill Language Page 49-59	(1) The Patriot system. (2) The Navy Lower Tier (Area) system.	(3) The Theater High Altitude Area Defense (TFHAAD) system.	(4) The Navy Upper Tier (Theater Wide) sys-	(5) Other Theater Missile Defense Activities. (6) National Missile Defense.	(7) Follow On and Support Technologies.	(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—	and activities, other than core theater missile defense pro-
MISSILE DEFEN House FY96 DoD Authorization Bill	H.R. 1530; H. Rept. 104-131 (5/1/95)							

E DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	egrams, shall be covered in the "Other Theater Missile Defense Activities" program element.	(c) TREATMENT OF CORE THEATER MISSIES DEFENSE PROGRAMS.—Funding for core theater missile de-	fense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be	available only for activities covered by those program elements.	(d) BM/C3I PROGRAMS.—Funding for programs,	projects, and activities missing, and intelligence (BM/ mand, control, communications, and intelligence (BM/	
MISSILE DEFENS	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)								

LE DEFENSE ACT (Cont) Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	C31) shall be covered in the "Other Theater Missile De-	fense Activities" program element or the "National Missile	Defense" program element, as determined on the basis of	the primary objectives involved.	(e) MANAGEMENT AND SUPPORT. Each program	element shall include requests for the amounts necessary	for the management and support of the programs,	projects, and activities contained in that program element.	SEC. 240. ABM TREATY DEFINED.	For purposes of this subtitle, the term "ABM Trea-	ty" means the Treaty Between the United States of Amer-	ica and the Union of Soviet Socialist Republics on the	
MISSILE DEFEN: House FY96 DoD Authorization Bill H 1530" H Rept. 104-131 (6/1/95)														

E DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	Limitation of Anti-Ballistic Missiles, signed at Moscow on	May 26, 1972, and includes the Protocols to that Treaty,	signed at Moscow on July 3, 1974.	SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.	The following provisions of law are repealed:	(1) The Missile Defense Act of 1991 (part C of	title II of Public Law 102-190; 10 U.S.C. 2431	-note).	(2) Section 237 of the National Defense Au-	thorization Act for Fiscal Year 1994 (Public Law	103-160).		
MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

ILE DEFENSE ACT (Cont) Senate FY96 DoD Authorization Bill	Bill Language Page 49-59	(3) Section 242 of the National Defense Au-	1 <del>03-160</del> ).	Authorization Act. 1986 (Public Law 99-146: 99	Stat. 613, 10 U.S.C. 2431 note).	(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99-145, 99	-Stat. 614).	(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989	(Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).
MISSILE DEFEN House FY96 DoD Authorization Bill	H.R. 1530, H. Rept. 104-131 (6/1/95)								

E DEFENSE ACT (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 49-59	(7) Section 8123 of the Department of Defense	Appropriations Act, 1989 (Public Law 100-463;	102 Stat. 2270-40).	Appropriations Act, 1992 (Public Law 102-172;	105 Stat. 1211).	(9) Section 234 of the National Defense Au-	thorization Act for Fiscal Year 1994 (Public Law	103-160, 107 Stat. 1595, 10 U.S.C. 2431 note).	(10) Section 235 of the National Defense Au-	thorization Act for Fiscal Year 1995 (Public Law	103-337; 108 Stat. 2701; 10 U.S.C. 221 note).	
MISSILE DEFENS	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

House FY66 Dod Authorization Bill  S. 10268 Sen. Rept. 104-112 (71/2/95)  Bull Lansuage  Bull Lansuage  Bull Ext. 25. 5.7  Bull Lansuage  SEC. 281. SHORT TITLE  This subtitle C—Missile Defense  SEC. 282. FINDINGS.  Colquess makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can day potential adversaries the option of escalating a conflict by threatening or at-	MISSILE DEFENSI NUNN (D-GA) AMENDMENT (	ENSE ACT (COMMINGED) ENT ON THE MISSILE DEFENSE ACT	
Page SEC. SEC. SEC.		Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	
SEC. 231. SHORT TITLE  This subtitle may be cited as the "Missile Defense Act of 1995".  SEC. 232. FINDINGS.  Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can demy potential adversaries the option of escalating a conflict by threatening or at-		Bill Language Page 55 - 57	
SEC. 231. SHORT ITTLE.  This subtitle may be cited as the "Missile Defense Act of 1995".  SEC. 232. FINDINGS.  Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		Subtitle C-Missile Defense	
This subtitle may be cited as the "Missile Defense Act of 1995".  SEC. 222 FINDINGS.  Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		SEC. 231. SHORT TITLE.	
of 1995".  SEC. 282. FINDINGS.  Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		This subtitle may be cited as the "Missile Defense Act	
Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		of 1995".	
Congress makes the following findings:  (1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		SEC. 232. FINDINGS.	
rity of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		Congress makes the following findings:	
rity of the United States by the proliferation of ballistic and cruise missles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		(1) The threat that is posed to the national secu-	
tic and cruise missiles is significant and growing, both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		rity of the United States by the proliferation of ballis-	
both quantitatively and qualitatively.  (2) The deployment of effective Theater Missile  Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		tic and cruise missiles is significant and growing,	
(2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		both quantitatively and qualitatively.	
Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-		(2) The deployment of effective Theater Missile	
option of escalating a conflict by threatening or at-		Defense systems can deny potential adversaries the	
		option of escalating a conflict by threatening or at-	
			* -

			<u> </u>		· · · · · · · · · · · · · · · · · · ·		
MENDMENT ON THE MISSILE DEFENSE ACT Senate FY96 DoD Authorization Bill	Bill Language Page 55 - 57	tacking United States forces, coalition partners of the United States, or allies of the United States with bal-	listic missiles armed with weapons of mass destruc- tion to offset the operational and technical advantages	of the United States and its coaution pariners and allies.	(3) The intervience continuities of the States has estimated that (A) the missile proliferation trend is toward longer range and more sophisticated	ballistic missiles, (B) North Korea may deploy an	
MISS NUNN (D-GA) AI DoD Authorization B	H.R. 1530; H. Hept. 104-131 (5/1/95)						

							•					•		
SSILE DEFENSE ACT (CONTINUED) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	intercontinental ballistic missile capable of reaching	Alaska or beyond within 5 years, and (C) although a	new indigenously developed ballistic missile threat to	the continental United States is not forecast within	the next 10 years there is a danger that determined	countries will acquire intercontinental ballistic mis-	siles in the near future and with little warning by	means other than indigenous development.	(4) The deployment by the United States and its	allies of effective defenses against ballistic missiles of	all ranges, as well as against cruise missiles, can re-	duce the incentives for countries to acquire such mis-
MISSILE DEFENSE A														

siles or to augment existing missile capabilities.

ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 D0D Autilonization Dill S. 1026; Sen, Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(5) The Cold War distinction between strategic	and, therefore, the ABM Treaty's distinction between	strategic defense and technological advancements and	should be reviewed.	which was one of the major philosophical rationales	for the ABM Treaty, is now questionable as a basis	ed States and the states of the former Soviet Union	
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)									

LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(9) Due to limitations in the ABM Treaty which	preclude deployment of more than 100 ground-based	ABM interceptors at a single site, the United States	is currently prohibited from deploying a national	missile defense system capable of defending the con-	tinental United States, Alaska, and Hawaii against	even the most limited ballistic missile attacks.	SEC. 233. MISSILE DEFENSE POLICY.	It is the policy of the United States to—	(1) deploy as soon as possible affordable and	operationally effective theater missile defenses capable	
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON														

SILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	of countering existing and emerging theater ballistic	missiles;	(2)(A) develop for deployment a multiple-site na-	tional missile defense system that: (i) is affordable	and operationally effective against limited, acciden-	tal, and unauthorized ballistic missile attacks on the	territory of the United States, and (ii) can be aug-	mented over time as the threat changes to provide $a$	layered defense against limited, accidental, or unau-	thorized ballistic missile threats;	(B) initiate negotiations with the Russian Fed-	eration as necessary to provide for the national mis-	sile defense systems specified in section 235; and	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DE	House FY96 DoD Authorization Bill															

SILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(C) consider, if those negotiations fail, the option	of withdrawing from the ABM Treaty in accordance	with the provisions of Article XV of the Treaty, sub-	ject to consultations between the President and the	Senate;	(3) ensure congressional review, prior to a deci-	sion to deploy the system developed for deployment	under paragraph (2), of: (A) the affordability and	operational effectiveness of such a system; (B) the	threat to be countered by such a system; and (C)	ABM Treaty considerations with respect to such a	system.		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEI	House FY96 DoD Authorization Bill H R 1530: H Rept. 104-131 (6/1/95)															

MISSILE DEFENSE ACT (CONTINUED) A) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(4) improve existing cruise missile defenses and	deploy as soon as practical defenses that are afford-	able and operationally effective against advanced	cruise missiles;	(5) pursue a focused research and development	program to provide follow-on ballistic missile defense	options;	(6) employ streamlined acquisition procedures to	lower the cost and accelerate the pace of developing	and deploying theater missile defenses, cruise missile	děfenses, and national missile defenses;	
MISSILE DEFENSE NUNN (D-GA) AMENDMENT O	House FY96 DoD Authorization Bill H B 1530: H Rept, 104-131 (6/1/95)													

ILE DEFENSE ACT (CONTINUED) AENDMENT ON THE MISSILE DEFENSE ACT Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an	offense-only form of deterrence as the basis for strategic stability; and	ments of subtitle C of title II of this Act through processes specified within, or consistent with, the ABM	Treaty, which anticipates the need and provides the	means for amendment to the Treaty.	
MISSILE DEFENSE ACT (CONTINUED)  NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT  House FY96 DoD Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Authorization Bill  Senate FY96 Do Bo Authorization Bill  Senate FY96 Do Bo Bo Bo Bo Bo Bo Bo Bo Bo Bo Bo Bo Bo							

MISSILE DEFENSE ACT (CONTINUED) A) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.	(a) ESTABLISHMENT OF CORE PROGRAM.—To imple-	ment the policy established in section 233, the Secretary	of Defense shall establish a top priority core theater missile	defense program consisting of the following systems:	(1)-The Patriot PAC-3 system, with a first unit	equipped (FUE) in fiscal year 1998.	(2) The Navy Lower Tier (Area) system, with a	user operational evaluation system (UOES) capabil	ity in fiscal year 1997 and an initial operational ca-	pağility (IOC) in fiscal year 1999.		
MISSILE DEFENSE NUNN (D-GA) AMENDMENT O	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

E DEFENSE ACT (CONTINUED) ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(3) The Theater High-Altitude Area Defense	(THAAD) system, with a user operational evaluation	system (UOES) capability in fiscal year 1997 and an	initial operational capability (IOC) no later than fis-	cal year 2002.	(4) The Navy Upper Tier (Theater Wide) system,	with a user operational evaluation system (UOES)	capability in fiscal year 1999 and an initial oper-	ational capability (IOC) in fiscal year 2001.	(b) INTEROPERABILITY AND SUPPORT OF CORE SYS-	TEMS.—To maximize effectiveness and flexibility, the Sec-	retary of Defense shall ensure that core theater missile de-	fense systems are interoperable and fully capable of exploit-	
MISSILE DEFENSE A(NONN (D-GA) AMENDMENT ON																

SILE DEFENSE ACT (CONTINUED) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	ing external sensor and battle management support from	systems such as the Navy's Cooperative Engagement Capa-	bility (CEC), the Army's Battlefield Integration Center	(BIC), air and space-based sensors including, in particular,	the Space and Missile Tracking System (SMTS).	(c) TERMINATION OF PROGRAMS.—The Secretary of	Defense shall terminate the Boost Phase Interceptor (BPI)	program.	(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of De-	fense shall develop an affordable development plan for fol-	low-on theater missile defense systems which leverages exist-	
MISSILE DEFENSE NUNN (D-GA) AMENDMENT OI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	ing systems, technologies, and programs, and focuses invest-	ments to satisfy military requirements not met by the core	program.	(2). Before adding new theater missile defense systems	to the core program from among the follow-on activities,	the Secretary of Defense shall submit to the congressional	defense committees a report describing—	(A) the requirements for the program and the	specific threats to be countered;	(B) how the new program will relate to, support,	and leverage off existing core programs;		
MISSILE DEFENSION (D-GA) AMENDMENT (	House FY96 DoD Authorization BIII H B 1530: H Rept. 104-131 (6/1/95)														

·		·		cost	<del></del>	hich the	ider sec-	etary of	nmittees	menting		escribed	h (1) of	**************************************		
ILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(C) the planned acquisition strategy; and	(D) a preliminary estimate of total program cost	and budgetary impact.	(e) REPORT.—(1) Not later than the date on which the	President submits the budget for fiscal year 1997 under sec-	tion 1105 of title 31, United States Code, the Secretary of	Defense shall submit to the congressional defense committees	a report detailing the Secretary's plans for implementing	the guidance specified in this section.	(2) For each deployment date for each system described	in subsection (a), the report required by paragraph (1) of			
MISSILE DEFENSE NUNN (D-GA) AMENDMENT OF	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)															

LE DEFENSE ACT (CONTINUED) ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	this subsection shall include the funding required for re-	search, development, testing, evaluation, and deployment	for each fiscal year beginning with fiscal year 1997 through	the end of the fiscal year in which deployment is projected	under subsection (a).	SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC.	TURE.	(a) In General.—To implement the policy established	in section 233, the Secretary of Defense shall develop an	affordable and operationally effective national missile de-	fense system to counter a limited, accidental, or unauthor-	ized ballistic missile attack, and which is capable of attain		
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill H R 1530* H Bept. 104-131 (6/1/95)	0. <b>3</b>														

								7. 7.						·	•
FENSE ACT (CONTINUED) IENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	ing initial operational capability (IOC) by the end of 2003.	Such system shall include the following:	(1) Ground-based interceptors capable of being	deployed at multiple sites, the locations and numbers	of which are to be determined so as to optimize the	defensive coverage of the continental United States,	Alaska, and Hawaii against limited, accidental, or	unauthorized ballistic missile attacks.	(2) Fixed ground-based radars and space-based	sensors, including the Space and Missile Tracking	system, the mix, siting and numbers of which are to	be determined so as to optimize sensor support and	minimize total system cost.
MISSILE DEFENSE NUNN (D-GA) AMENDMENT O	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

			and	•	ovide	issile	Jevel-	ed in	en in-	se the	al ca-	at. In			
E DEFENSE ACT (CONTINUED) ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(3) Battle management, command, control, and	communications (BM/C3).	(b) INTERIM OPERATIONAL CAPABILITY.—To provide	a hedge against the emergence of near-term ballistic missile	threats against the United States and to support the devel-	opment and deployment of the objective system specified in	subsection (a), the Secretary of Defense shall develop an in-	terim national missile defense plan that would give the	United States the ability to field a limited operational ca-	pability by the end of 1999 if required by the threat. In	developing this plan the Secretary shall make use of—		
MISSILE DEFENSE AC NUNN (D-GA) AMENDMENT ON T	House FY96 DoD Authorization Bill														

MISSILE DEFE NUNN (D-GA) AMENDME	FENSE ACT (CONTINUED)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
	Bill Language Page 55 - 57
	(1) developmental, or user operational evaluation
	system (UOES) interceptors, radars, and battle man-
	agement, command, control, and communications
	(BM/C3), to the extent that such use directly supports,
	and does not significantly increase the cost of, the ob-
	jective system specified in subsection (a);
	(2) one or more of the sites that will be used as
	deployment locations for the objective system specified
	in subsection (a);
	(3) upgraded early warning radars; and
	(4) space-based sensors.

	Bept. 104-131 (6/1/95) Berent 104-131 (6/1/95) Berent 104-131 (6/1/95) Berent 104-131 (6/1/95) Berent 104-131 (6/1/95)	Senate FY96 Dolb Authorization Din S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language Page 55 - 57	(c) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use	streamlined acquisition procedures to—  (1) reduce the cost and increase the efficiency of	devoloping the national missile defense system speci- fied in subsection (a); and	(2) ensure that any interim national missile defense capabilities developed pursuant to subsection (b)	are operationally effective and on a path to fulfill the	. technical requirements and schedule of the objective system.	
	ob Authorize	ation Bill I (6/1/95)							

ILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(d) ADDITIONAL COST SAVING MEASURES.—In addi-	tion to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures	that do not decrease the operational effectiveness of the sys-	tems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures	should include the following:	(1) The use of existing facilities and infrastruc-	ture.	upgraded systems and technologies, except that Min-	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)				<b>*</b>	***					

LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1025; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	uteman boosters may not be used as part of a Na-	tional Missile Defense architecture.	(3) Development of systems and components that	do not rely on a large and permanent infrastructure	and are easily transported, emplaced, and moved.	(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later	than the date on which the President submits the budget	for fiscal year 1997 under section 1105 of title 31, United	States Code, the Secretary of Defense shall submit to the	congressional defense committees a report containing the	following matters:		
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill														

SILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) The Secretary's plan for carrying out this	section.	(2) For each deployment date in subsections (a)	and (b), the report shall include the funding required	for research, development, testing, evaluation, and de-	ployment for each fiscal year beginning with fiscal	year 1997 through the end of the fiscal year in which	deployment is projected under subsection (a) or (b).	The report shall also describe the specific threat to be	countered and provide the Secretary's assessment as	to whether deployment is affordable and operationally	effective.	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEF	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

Senate FY96 DoD Authorization Bill Bill Language Page 55 - 57  (3) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:  (A) Additional ground-based interceptors at existing or new sites.  (B) Sea-based missile defense systems.  (C) Space-based kinetic energy interceptors	Senate FY96 Do Dob Authorization Bill Rept. 104-131 (6/1/95)  Bill Language Page 55-57  (3) An analysis of o modifying the national specified in subsection operational capability, o in a building block ma operational capability, a ness or the operational e adding one or a combina  (A) Additional existing or new site (C) Space-base (D) Space-base
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

TINUED) SILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	<u> 57</u>	SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.	(a) IN GENERAL.—The Secretary of Defense shall un-	dertake an initiative to coordinate and strengthen the cruise	missile defense programs, projects, and activities of the	military departments, the Advanced Research Projects	Agency and the Ballistic Missile Defense Organization to	ensure that the United States develops and deploys afford-	able and operationally effective defenses against existing	and future cruise missile threats.	(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In	carrying out subsection (a), the Secretary of Defense shall		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	n Bill /1/95)	Bill Language Page 55 - 57	SEC. 236	<i>(a)</i>	dertake	missile	military	Agency	ensure t	able an	and futh	(v),	carrying	ensure that-	

LE DEFENSE ACT (CONTINUED) ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) to the extent practicable, the ballistic missile	partment of Defense are coordinated and mutually re-	inspiring; (2) existing air defense systems are adequately	upgraded to provide an affordable and operationally effective defense against existing and near-term cruise	missile threats; and (3) the Department of Defense undertakes a high	priority and well coordinated technology development program to support the future deployment of systems	
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill H R 1530: H Rept. 104-131 (6/1/95)								

													 	•
SILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	that are affordable and operationally effective against	advanced cruise missiles, including cruise missiles	with low observable features.	(c) IMPLEMENTATION PLAN.—Not later than the date	on which the President submits the budget for fiscal year	1997 under section 1105 of title 31, United States Code,	the Secretary of Defense shall submit to the congressional	defense committees a detailed plan, in unclassified and clas-	sified forms, as necessary, for carrying out this section. The	plan shall include an assessment of—		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DE	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

LE DEFENSE ACT (CONTINOED) IENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) the systems that currently have cruise missile	defense capabilities, and existing programs to im-	prove these capabilities;	(2) the technologies that could be deployed in the	near-to mid-term to provide significant advances	over existing cruise missile defense capabilities, and	the investments that would be required to ready the	technologies for deployment;	(3) the cost and operational tradeoffs, if any, be-	tween upgrading existing air and missile defense sys-	tems and accelerating follow-on systems with signifi-	cantly improved capabilities against advanced cruise	missiles; and	
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill	,														

ILE DEFENSE ACT (CONTINUED) AENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(4) the organizational and management changes	that would strengthen and further coordinate the	cruise missile defense efforts of the Department of De-	fense, including the disadvantages, if any, of imple-	menting such changes.	SEC. 237. POLICY REGARDING THE ABM TREATY.	(a) Congress makes the following findings:	(1) Article XIII of the ABM Treaty envisions	"possible changes in the strategic situation which	have a bearing on the provisions of this treaty".		
MISSILE DEFENSE NUNN (D-GA) AMENDMENT OF	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)													

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Page 55 - 57	(2) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty,	and the Parties have employed these means to amend	the treaty. (3) Article XV of the ABM Treaty establishes the	means for a party to withdraw from the Treaty, upon 6 months notice, "if it decides that extraordinary	events related to the subject matter of this treaty have	jeopardized its supreme interests". (4) The policies, programs, and requirements of	subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with,	
NUNN (D-GA) AMENDMENT ON II House FY96 Dob Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)									

	·			:-				•			<u>.</u>				
LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	the ABM Treaty, which anticipates the need and pro-	vides the means for amendment to the Treaty.	(b) SENSE OF CONGRESS.—In light of the findings and	policies provided in this subtitle, it is the sense of Congress	that—	(1) Given the fundamental responsibility of the	Government of the United States to protect the secu-	rity of the United States, the increasingly serious	threat posed to the United States by the proliferation	of weapons of mass destruction and ballistic missile	technology, and the effect this threat could have on the	options of the United States to act in a time of cri-	sis
MISSILE DEFENSE, NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

	House FY96 DoD Authorization Bill H.R. 1530, H. Rept. 104-131 (6/1/95)	III Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95):	Bill Language Page 55 - 57	(A) it is in the vital national security inter-	est of the United States to defend itself from the	threat of a limited, accidental, or unauthorized	ballistic missile attack, whatever its source; and	(B) the deployment of a national missile de-	fense system, in accord with section 233, to pro-	tect the territory of the United States against a	limited, accidental, or unauthorized missile at-	tack can strengthen strategic stability and deter-	rence; and		
uthorization B	FY96 DoD Authorization B 530; H. Rept. 104-131 (6/1/9	ill												· ·	

			<del></del>										
SILE DEFENSE ACT (CONTINUED) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(2)(A) the Senate should undertake a comprehen-	sive review of the continuing value and validity of the	ABM Treaty with the intent of providing additional	policy guidance on the future of the ABM Treaty dur-	ing the second session of the One Hundred Fourth	Congress; and	(B) upon completion of the review, the Commit-	tee on Foreign Relations, in consultation with the	Committee on Armed Services and other appropriate	committees, should report its findings to the Senate.	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)							•					

ENDMENT ON THE MISSILE DEFENSE ACT Senate FY96 DoD Authorization Bill C 1026: Sen. Rept. 104:112 (7/12/95)	Bill Language Page 55 - 57	SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN	INTERNATIONAL AGREEMENT CONCERNING	THEATER MISSILE DEFENSE SYSTEMS.	(a). FINDINGS.—Congress makes the following findings:	(1) Section 234 of the National Defense Author-	ization Act for Fiscal Year 1994 provides that the	ABM Treaty does not apply to or limit research, de-	velopment, testing, or deployment of missile defense	systems, system upgrades, or system components that	are designed to counter modern theater ballistic mis-	siles, regardless of the capabilities of such missiles,	unless those systems, system upgrades, or system com-	
	H.R. 1530; H. Rept. 104-131 (6/1/95)							•						

ILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	ponents are tested against or have demonstrated capa-	bilities to counter modern strategic ballistic missiles.	(2) Section 232 of the National Defense Author-	ization Act for Fiscal Year 1995 provides that the	United States shall not be bound by any inter-	national agreement that would substantially modify	the ABM Treaty unless the agreement is entered into	pursuant to the treaty making power of the President	under the Constitution.	(3) the demarcation standard described in sub-	section (b)(1) is based upon current technology.	(b) Sense of Congress.—It is the sense of Congress		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEI	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104:131 (6/1/95)														that	

ILE DEFENSE ACT (CONTINUED) AENDMENT ON THE MISSILE DEFENSE ACT II. Senate FY96 DoD Authorization Bill	S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) unless a missile defense system, system up-	grade, or system component, including one that ex-	ploits data from space-based or other external sensors,	is flight tested against a ballistic missile target that	exceeds a range of 3,500 kilometers or a velocity of 5	kilometers per second, such missile defense system,	system upgrade, or system component has not been	tested in an ABM mode nor deemed to have been	given capabilities to counter strategic ballistic mis-	silės, and	(2) any international agreement that would	limit the research, development, testing, or deploy-	
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill H B. 1530; H, Rept. 104-131 (6/1/95)									,					

SILE DEFENSE ACT (CONTINUED) MENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill .S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	ment of missile defense systems, system upgrades, or	system components that are designed to counter mod-	ern theater ballistic missiles in a manner that would be more restrictive than the criteria in paragraph (1)	should be entered into only pursuant to the treaty	making powers of the President under the Constitu-	tion. (c) PROHIBITION ON FUNDING.—Funds appropriated	or otherwise made available to the Department of Defense	for fiscal year 1996 may not be obligated or expended to	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEF	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)									for	

LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT Senate FY96 Dod Authorization Bill	S, 1026; Sen. Hept. 104-112 (7112/30)	Bage 55 - 57	implement an agreement with any of the independent states	of the former Soviet Union entered into after January 1,	1995 that would establish a demarcation between theater	missile defense systems and anti-ballistic missile systems for	purposes of the ABM Treaty or that would restrict the per-	formance, operation, or deployment of United States theater	missile defense systems except: (1) to the extent provided	in an Act enacted subsequent to this Act; (2) to implement	that portion of any such agreement that implements the cri-	teria in subsection (b)(1); or (3) to implement any such	agreement that is entered into pursuant to the treaty mak-	ing power of the President under the Constitution.	3.58
MISSI NUNN (D-GA) AM	House F196 Deb Authorizanor 2 H.R. 1530; H. Rept. 104-131 (6/1/95)														

DEFENSE ACT (CONTINUED) IDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELE-	MENTS.	(a) ELEMENTS SPECIFIED.—In the budget justifica-	tion materials submitted to Congress in support of the De-	partment of Defense budget for any fiscal year after fiscal	year 1996 (as submitted in the budget of the President	under section 1105(a) of title 31, United States Code), the	amount requested for activities of the Ballistic Missile De-	fense Organization shall be set forth in accordance with the	following program elements:		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	House FY96 DoD Authorization Bill													

LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT	S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(1) The Patriot system.	(2) The Navy Lower Tier (Area) system.	(3) The Theater High-Altitude Area Defense	(THAAD) system.	(4) The Navy Upper Tier (Theater Wide) system.	(5) Other Theater Missile Defense Activities.	(6) National Missile Defense.	(7) Follow-On and Support Technologies.	(b) TREATMENT OF NON-CORE TMD IN OTHER THEA-	TER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding	for theater missile defense programs, projects, and activities,		
MISSILE DEFENSE A(P.GA) AMENDMENT ON	House FY96 DoD Authorization Bill H 1530: H Rept. 104-131 (6/1/95)														

						:			<del></del>		<u> </u>			· .	
ILE DEFENSE ACT (CONTINUED) AENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	other than core theater missile defense programs, shall be	covered in the "Other Theater Missile Defense Activities"	program element.	(c) TREATMENT OF CORE THEATER MISSILE DE-	FENSE PROGRAMS.—Funding for core theater missile de-	fense programs specified in section 234, shall be covered in	individual, dedicated program elements and shall be avail	able only for activities covered by those program elements.	(d) BM/C3I PROGRAMS.—Funding for programs,	projects, and activities involving battle management, com-	mand, control, communications, and intelligence (BM/C31)	shall be covered in the "Other Theater Missile Defense Ac-	
MISSILE DEFENS NUNN (D-GA) AMENDMENT (	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)														

E DEFENSE ACT (CONTINUED)  ENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	tivities" program element or the "National Missile Defense"	program element, as determined on the basis of the primary	objectives involved.	(e) MANAGEMENT AND SUPPORT.—Each program ele-	ment shall include requests for the amounts necessary for	the management and support of the programs, projects, and	activities contained in that program element.	SEC. 240. ABM TREATY DEFINED.	For purposes of this subtitle, the term "ABM Treaty"	means the Treaty Between the United States of America	and the Union of Soviet Socialist Republics on the Limita-		
MISSILE DEFENSE A NUNN (D-GA) AMENDMENT ON	House FY96 DoD Authorization Bill														

	Bill ?/95)		scow on May	Treaty, signed		VISIONS.	saled:	991 (part C. of	S.C. 2431 note)	Defense Author-	bic Law 103-		Defense Author-	blic Law 103-		
(CONTINUED) E MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	tion of Anti-Ballistic Missiles, signed at Moscow on May	26, 1972, and includes the Protocols to that Treaty, signed	at Moscow on July 3, 1974.	SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.	The following provisions of law are repealed:	(1) The Missile Defense Act of 1991 (part C of	title II of Public Law 102-190; 10 U.S.C. 2431 note)	(2) Section 237 of the National Defense Author-	ization Act for Fiscal Year 1994 (Public Law 103-	160).	(3) Section 242 of the National Defense Author-	ization Act for Fiscal Year 1994 (Public Law 103-	160).	
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	House FY96 DoD Authorization Bill 4.R. 1530; H. Rept. 104-131 (6/1/95)			S.	<b>o</b> .											
															3 - 1 4 - 1 4	

LE DEFENSE ACT (CONTINUED) IENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(4) Section 222 of the Department of Defense	Authorization Act, 1986 (Public Law 99-145; 99	Stat. 613; 10 U.S.C. 2431 note).	(5) Section 225 of the Department of Defense	Authorization Act, 1986 (Public Law 99-145; 99	Stat. 614).	(6) Section 226 of the National Defense Author-	ization Act for Fiscal Years 1988 and 1989 (Public	Law 100-180; 101 Stat. 1057; 10 U.S.C. 2431 note).	.(7) Section 8123 of the Department of Defense	Appropriations Act, 1989 (Public Law 100-463; 102	Stat. 2270-40).	
MISSILE DEFENSE ACT (CONTINUED) NIINN (D-GA) AMENDMENT ON THE MISSILE DEI	ouse FY96 DoD Authorization Bill														
	House FY96 DoD														

	Authorization Bill 104-112 (7/12/95)	•	(8) Section 8133 of the Department of Defense	Public Law 102-172; 105		National Defense Author-	· 1994 (Public Law 103-	.C. 2431 note).	(10) Section 235 of the National Defense Author-	. 1995 (Public Law 103-	.C. 221 note).		
MISSILE DEFENSE ACT (CONTINUED) NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 55 - 57	(8) Section 8133 of th	Appropriations Act, 1992 (Public Law 102-172; 105	Stat. 1211).	(9) Section 234 of the National Defense Author-	ization Act for Fiscal Year 1994 (Public Law 103-	160; 107 Stat. 1595; 10 U.S.C. 2431 note).	(10) Section 235 of the	ization Act for Fiscal Year 1995 (Public Law 103-	337; 108 Stat. 2701; 10 U.S.C. 221 note).		
	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)												

SUBTITLE C—BALLISTIC MISSILE DEFENSE ACT OF 1995 SECTION 231—SHORT TITLE

This section would designate this subtitle as the "Missile Defense Act of 1995."

SECTION 232—BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES

This section would establish the ballistic missile defense policy of the United States.

SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for implementing that guidance. Further, the section would direct that plementing that guidance. Further, the section would direct that the report include a revised five-year funding plan for National Missile Defense (NMD), consistent with the guidance contained in the provision. The Secretary's report would specify projected time-lines and costs for deploying advanced Theater Missile Defense (TMD) systems and an NMD system. Furthermore, the report would state whether or when ABM Treaty constraints would have a highly-effective NMD system.

#### Report Language Page 113-121

## .

Missile Defense Act of 1995

The committee recommends that the Missile Defense Act of 1991

The committee recommends that the Missile Defense Act of 1991

be replaced by a provision (Subtitle C of Title II) that more completely responds to the challenges and opportunities of the postcold War era, and which charts a firmer and clearer course for missile defenses than the United States is currently on. The Missile Defense Act of 1995 would: (1) accelerate and clearer course for a national missile defense (TMD) efforts; (2) establish a deployment plan ter missile defense (CMD) initiative to strengthen and coordinate current CMD programs while preparing systems that will be highly rent CMD programs while preparing systems that will be highly capable; against future threats; (4) set forth a compliance standard for air and theater missile defense with regard to the Anti-Ballistic for air and theater missile defense with regard to the Anti-Ballistic for strategic deterrence and stability; and (6) recommend establish for strategic deterrence and stability; and (6) recommend establish wiew of the continuing value and validity of the ABM Treaty and value of the continuing a value and validity of the ABM Treaty and

recommend a specific course of action.

The committee has received extensive testimony and briefings from the intelligence community, administration officials, and nongovernmental experts on the expanding ballistic and cruise missile governmental experts on the expanding ballistic and cruise missile threat. It is clear that the threat to the national security of the United States posed by the proliferation of such missiles is significant and growing, both qualitatively and quantitatively. It is equally clear in the committee's view that the United States must respond aggressively by deploying effective defenses against ballistic missiles of all ranges and against cruise missiles.

# MISSILE DEFENSE ACT (Cont)

### H.R. 1530: H, Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

#### Report Language Page 144-145

## SECTION 234-FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT

national and theater missile defense, and state an exclusion from search and development of follow-on technologies and systems for This section would direct the Secretary of Defense to pursue rethe initial deployment architecture.

SECTION 235-POLICY ON COMPLIANCE WITH THE ABM TREATY

This section would establish policy concerning systems subject to the ABM Treaty, state certain prohibitions, and define an ABMqualifying flight test.

SECTION 236—BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

SECTION 237—ABM TREATY DEFINED

This section would define the term "ABM Treaty".

SECTION 238—REPEAL OF MISSILE DEFENSE ACT OF 1991 This section would repeal the Missile Defense Act of 1991.

### Report Language Page 113-121

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

## Theater Missile Defense Architecture

of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC-3 system, the Navy Lower Tier system, the Theater High-Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensure that the systems in the core program are developed ag-The committee recommends rapid development and deployment

quire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/ralidation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from DemVal to EMD and LRIP. Since the UOES missile appears to gressively so that they become operational as soon as possible.

THAAD—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request or the THAAD program in fiscal year 1996 includes funds to ac-

AISSILE DEFENSE ACT (Cont)  Zation Bill Series FY96 DoD Authorization St. (6/1/95)  S. 1026; Sen. Rept. 104-112 (7/12 (7/12 (1/12))
<b>₩</b> 10 0 00000000000000000000000000000000

Page 144-145

initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while providing additional EMD missiles to augment the initial UOES in meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the BMD missiles, once

come operational as soon as presents; confined in the out years ommended sufficient funding, which, if continued in the out years would ensure availability of Navy Lower Ther UOES missiles in fits would ensure availability of Navy Lower Ther, the comjective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year mittee's recommended funding would provide a UOES in fiscal year Secretary of Defense to provide sufficient funding to ensure that secretary of Defense to provide sufficient funding to ensure that thee schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight tee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" vereduce risk and ensure that the best system is selected. This comreduce risk and ensure that the best system is selected. This comreduce risk and enfect the results of the ongoing cost and operparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC developments and demonstrated performance. The committee urges NAVY LOWER AND UPPER TIER—The committee is equally conceined that the Navy Lower Tier and Upper Tier systems be come operational as soon as possible. The committee has rec n fiscal year 2001

# MISSILE DEFENSE ACT (Cont)

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language Page 144-145

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 113-121 TMD BAITLE MANAGEMENT/COMMAND AND CONTROL—
The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control efforts by the services, notably the Navy's Cooperative Engagement Capability (CEC) and the Amby's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to examine the command and control requirements for effective theater missile defenses, in light of the numerous programs currently under development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent paths, with little interaction between them; and even less effort on the requirement for their ultimate integration into a "seamless" the requirement for their ultimate integration into a "seamless" the requirement for their ultimate integration into a "seamless" the requirement for their ultimate integration into a "seamless" command and control network under the control centers. Moreover, any command and control solution for Theater CINCs must be designed for effective operations under a variety of possible accentrios, including such variants as the CINCs initial command center being remote from the theater of operations, or initial operations from shipboard with a subsequent transfer of command and control sutherity of the theater of quent transfer of command and control problem, the committee discrets the Secretary of Defense to expend the charter has to be capable of dealing with both ballistic missile and rules missile the development of a "seamless" command and control center capable of rapid integration, of sensor information, surveillance information, and integration of sensor information, surveillance integration, and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integration and integrat

terceptor allocations, whether land or sea based.

OTHER TMD ACTIVITIES—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems

#### Report Language Page 144-145

#### Report Language Page 113-121

that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend \$15.8 billion on the Patriot PAC-3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighterlaunched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or ments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the energy TMD systems that approach the threat fundamentally in energy TMD systems that approach the threat fundamentally in

the same technical manner.

The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the isting Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Corps SAM requirement, which the spentially merges ongoing efforts in PAC—3 and THAAD to which essentially merges ongoing efforts in PAC—3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The produce a mobile hybrid system with satisfy the requirement committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infra-

(		
		- - ) [
	U U Z	1)
	L	Į
1	u	ו ז
( (	U	) ) [

н.R. 1530; Н. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

Report Language Page 144-145

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi

#### Report Language Page 113-121

a new type of system that is essentially a mobile PAC-3. If implemented properly, production of the new system could be phased into ongoing PAC-3 production, thereby providing savings from both ends of the spectrum. structure, which is excessively large and manpower-intensive, with

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restrucured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and wide-area missile defense. The primary threat to our European and

tee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs. should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The commit-With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance Navy Upper Tier.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language
Page 144-145

Report Language Page 113-121 National Missile Defense Architecture

The committee notes that there is greater ambiguity and more disagreement regarding the future ballistic missile threat to the territory of the United States than there is regarding the threat possed by short- and medium-range missiles, which are already deployed in large numbers throughout the world. With regard to ballistic missile threats to the United States itself, there are really two subcategories—existing threats that we have lived with for some time, and emerging new threats. Most of the debate has surrounded the question of new threats.

The committee notes that the intelligence community does not presently forecast the emergence of a new indigenously-developed ballistic missile threat to the continental United States within the next ten years. Nevertheless, the intelligence community does confirm that the proliferation trend is toward longer-range and more sophisticated ballistic missiles, and that there are a number of ways for determined countries to rapidly acquire intercontinental ballistic missiles (ICBM) by means other than indigenous development. The intelligence community also confirms that North Korea is developing an ICBM class missile (the Taepo Dong III), which may become operational within five years, and which may have sufficient range to target Alaska. Some analysts speculate that this missile could have an even longer range. In any event, the mere existence of this North Korean program is cause for questioning the intelligence community's ten year forecast. It also highlights how suddenly a new ICBM threat can emerge. Given North Korea's history as a missile proliferator and its ongoing cooperation with Iran on such programs, the committee views these developments as ex-

tremely fureatening.

The committee does not believe that the intelligence community's ten year threat assessment in any way undermines the case for accelerating deployment of a national missile defense system. Even if it were certain that a new threat would not materialize for ten years, the United States would still need to get started now to ensure that it develops a highly effective and affordable system in

_
$\Xi$
Ē
只
Q
O
4
111
S
꽄
_
Ë
L
Ш
ш
S
S
5

S. 1026; Sen. Rept. 104-112 (7/12/95) FY96 DoD Authorization Bil Senate H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

#### Report Language Page 113-121

Report Language Page 144-145 time. As previously noted, however, there is a great deal of uncertainty surrounding the ten year estimate. The United States must be prepared to respond earlier if necessary. Perhaps more important, deploying an NMD system prior to the unambiguous emergence of new missile threats to the United States may serve to deter countries that would otherwise seek to acquire ICBMs. A vulnerable United States merely invites proliferation, blackmail, and

even aggression.

In addition to dealing with emerging threats to the United States, NMD can help pave the way for a more reliable and less adversatial form of strategic stability. Mutual vulnerability is clearly not a necessary basis for a stable deterrence relationship. In the near-term, NMD deployments would serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis. The committee believes that even modest NMD deployments can reduce the vulnerability of U.S. strategic forces and thereby strengthen stability. Over time, as political circumstances permit, increasingly robust defenses can serve to devalue offensive forces, especially those that are most destabilizing, virtually eliminating first strike incentives and establishing the basis for deeper

offensive reductions.

Indefinitely extending Cold War notions of nuclear deterrence Indefinitely extending Cold War notions of nuclear deterrence based on vulnerability and threats of retaliation is likely to perpetuate basic animosities and security concerns, and prohibit the development of the more positive relations necessary for a genuinely stable U.S.-Russian strategic relationship. Arms reductions alone cannot accompliant this goal. By easing concerns about possible noncompliance and third party ballistic missile threats, missile defenses can help provide the confidence necessary to move toward deeper offensive reductions. In sum, the argument that effective national ballistic missile defenses are inconsistent with deterrence and arms control is as outdated as the Cold War itself.

Therefore, the committee recommends a provision which would establish an NMD program to deploy a multiple-site, ground-based interceptor system by 2003, with a more limited contingency capability available by the turn of the century. The committee believes that there is an urgent need to establish explicit milestones and performance goals for the NMD program in order to achieve these

(Cont)	
ACT (C	
ENSE	
DEF	
ISSILE	
2	

S. 1025; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil House FY96 DoD Authorization Bil

H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language Page 144-145

Report Language Page 113-121 deployment goals. The committee directs the Secretary of Defense to employ streamlined acquisition procedures and other cost saving measures as appropriate to ensure rapid and cost-effective development of an NMD system.

The committee notes that the ground-based interceptor (GBI) program, with its exoatmospheric kill vehicle (EKV), has been underway for almost five years, and has achieved significant technical progress. The committee also notes the existence of various options for off-the-shelf boosters for the GBI, but questions whether these can be optimized for the GBI mission. The committee therefore recommends that a detailed analysis be conducted in order to select the EKV program and the fact that BMDO is considering a down-the EKV program and the fact that BMDO is considering a down-select to a single design and contractor before conducting flight tests. To ensure that the best design is selected upon demonstrated performance, and to minimize program risk, the Secretary of De-fense is directed to maintain competition in the EKV program an optimized booster configuration that balances cost and performance considerations. The committee supports aggressive development and testing of the EKV to support the deployment goals specthrough successful completion of flight demonstrations.

for deployment. The committee also strongly supports the development of the Space and Missile Tracking System (SMTS), which is being developed by the Air Force as part of the Space-Based Infrared System (SBIRS). The committee believes that SMTS should be developed for a first launch in fiscal year 2001, with an IOC in fiscal year 2003, to support the objective multiple-site NMD system. sensors and ground-based radars must be achieved to maximize NMD system, the committee supports upgrading existing early warning radars while new X-band fire control radars are readied coverage and effectiveness while minimizing the ultimate cost of the NMD system. With robust space-based sensor support, the sys-In order to develop and deploy optimized sensor support for an The committee believes that the proper mix between space-based

		I
		ł
4	7	ì
~		1
=	-	1
C	)	ı
$\sim$	١	J
_	,	J
_		The state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s
Ĺ		1
	-	1
C	)	ļ
$\geq$		ł
Q	L	1
<b>.</b> .	_	1
山びス	Į	
"	•	
V	,	
7	•	ļ
-	1	ĺ
Ц	ı	
TCN TI TI TI TI TI TI TI TI TI TI TI TI TI	_	
ī	Ī	ĺ
4	•	
C	)	
	_	
Ц	1	
	٠.	
-	J	
_	=	
	7	
i	ń	
Ų	J	
=		
2	⋝	
-	-	

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bi Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil H.R. 1530; H.

#### Report Language Page 113-121

Report Language Page 144-145 tem may not require new radars at each interceptor deployment lo-

The committee recognizes that there may be opportunities to significantly improve the cost and operational effectiveness of a ground-based NMD system by including space-based and/or seabased defensive systems in the NMD architecture. The committee directs the Secretary of Defense to include an analysis of such options in the NMD implementation plan.

## Cruise Missile Defense Initiative

In a aignificant departure from the Missile Defense Act of 1991, the Missile Defense Act of 1995 addresses the threat posed by existing and emerging cruise missiles. The committee believes that CMD has not been given the degree of attention warranted by the threat, and notes with concern the intelligence community's estimate that at least twelve countries have land-attack cruise missiles under development. Although there are many programs in the Department of Defense involving CMD, for the most part these have mittee believes that the Secretary of Defense should seek to coordinate and leverage activities involving air defense, CMD and BMD to merimical structures and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities are missing and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activities and leverage activiti

to maximize synergies and cost savings.

The committee directs the Secretary of Defense to coordinate the department's CMD and BMD efforts and to ensure that existing air defense systems are upgraded to improve capabilities against cruise missiles. The committee also directs the Secretary to undertake a high priority development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missiles with low observable features. Finally, the committee directs the Secretary to prepare a plan for implementing a cruise missile defense that could strengthen and further coordinate the cruise missile defense sctivities of the Department of Defense. The committee recommends a substantial increase in funding for cruise missile defense activities, which is described in a separate funding section below.

Report Language Page 144-145

#### Report Language Page 113-121

Policy Regarding the ABM Treaty

The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at this time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the

end of the 104th Congress.

The Missile Defense Act of 1995 would establish a policy to seek The Missile Defense Act of 1995 would establish a policy to sa cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it assured destruction as the basis for deterrence and stability, yet it among the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of replacing the treaty with a more appropriate and up-to-date regime. Placing the treaty with a more appropriate and up-to-date regime. NMD implementation plan and a variety of technical and policy issues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, it is prudent to dedicate a year to studying all ABM Treaty-related it is prudent to dedicate a year to studying all ABM Treaty-related it is prudent to dedicate a year to studying all ABM Treaty-related during which time all efforts by the administration to modify, clarduring which time all efforts by the administration to modify, clarduring which time alleforts by the administration to ABM Treaty ify, or otherwise alter U.S. obligations under the ABM Treaty ify, or otherwise alter

snourcesses. To conduct this comprehensive review and to issue specific guidance, the committee recommends that the Senate consider establishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select committee would conduct hearings and interviews, review all relevant mittee would conduct hearings the full range of policy issues. At documents, and carefully consider the full range of policy issues. At the end of the 104th Congress, the select committee would issue a report and be disbanded.

,					37.
		de- n of tent tent un- rea- ting titee inis-	the for smarring the smarring saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for saturation for satura	pped one- nave ach, s re- and and- ous	
	_ (c	 open ationalism ninism M T otia mmi	imit; yet; yet has systement Tr. Tr. K m. K m. k m. essi	evelo	

_	
$\Box$	
ACT (Cont	
	- CO
Ų	8-18-N
	<u> </u>
$\mathbf{y}_{i}$	
	( B
_	
<i>&gt;</i> \	
U	
ACT	
- I	
111	
-	
(n	
<u> </u>	1
DEFENSE A	
	1
ш	
11	
جلنا	
_	
ш	
ш	
SIL	- 10
	B 65
75	
U)	
10	<b>∞</b> <del>-</del> ∞ - ∞
S	တ် ဝ
<u>S</u>	tior (6/
MIS	atior
MISSILI	zatior 31 (6/
MIS	izatior 31 (6/
MIS	orizatior 131 (6/
MIS	horizatior 4-131 (6/
MIS	thorization 14-131 (6/
MIS	uthorization 04-131 (6/
MIS	Authorization 104-131 (6/
MIS	Authorizatior
MIS	Authorization 104-131 (6/
MIS	D Authorization
MIS	oD Authorization
MIS	DoD Authorization Rent 104-131 (6/
MIS	DoD Authorization Rept 104-131 (6/
SIW	6 DoD Authorization
MIS	96 DoD Authorizatior H Rept 104-131 (6)
MIS	796 DoD Authorization H Rept 104-131 (6/
MIS	Y96 DoD Authorization
MIS	FY96 DoD Authorization
MIS	FY96 DoD Authorization
MIS	e FY96 D
SIW	e FY96 D
MIS	e FY96 D
MIS	ouse FY96 D 3 1530: H H
SIW	e FY96 D

H.R. 1530; H. Rept. 104-131 (6/1/9

Report Language Page 144-145

n. Rept. 104-112 (7/12/9)

96 DoD Authorization Bi

#### Report Language Page 113-121

bate, the committee recommends requiring the declassific the ABM Treaty negotiating record. This action would be conwith the classification policy in Executive Order 12958, and by the administration on April 17, 1995. The Reagan Admition, which declassified a significant portion of the ABM record, established the precedent for this action. The commit derstands that in connection with the 1987 study of the AB ty by the State Department Legal Advisor, most of the neg record along with a complete index was compiled. The co suggests that this would be a good starting point for the stration in providing Congress with the information requeste To facilitate the Senate's review and to toster full and

Development, Testing and Deployment of Non-ABM System

development or deployment of TMD or air defense systems; a result of ambiguities in the treaty, the United States years unilaterally limited the development of non-ABM s. These self-imposed restraints exceed not only the requirent the Treaty, but common sense. Article VI(a) of the ABM states that non-ABM systems may not be "tested in an ABM. "capabilities to counter strategic ballistic missiles." This are unfortunately, conforms neither to operational reality nor to quirements of the ABM Treaty. Since the treaty is verify monitored solely by "national technical means," compliance requirements of the Treaty. There is no evidence that Ruthe Soviet Union before it, has ever employed anything as and may not be "given capabilities to counter strategic missiles." Unfortunately, these terms and concepts remaintially undefined. In this void, the Department of Defense de an arbitrary methodology, based on computer simulations on-one engagements, to determine whether defensive system ards based on computer simulations clearly exceed the ten The committee observes that the ABM Treaty does not and self-limiting as this.

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Report Language Page 144-145

#### Report Language Page 113-121

The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

## Ballistic Missile Defense Program Elements

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

### Page 46-50

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States-

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary

elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States; and

(2) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

## SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve

the specified capabilities:

(1) The Patriot PAC-3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

tem, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000. The Theater High-Altitude Area Defense (THAAD) sys- $\widehat{\mathfrak{S}}$ 

#### Report Language Page 721-724

Ballistic missile defense policy (secs. 231–253)

The House bill contained eight provisions (secs. 231–238) that collectively would be called the "Ballistic Missile Defense Act of 1995." The House bill contained four additional provisions (secs. 241-244) that would also deal with matters related to ballistic missile defense (BMD)

The Senate amendment contained eleven provisions (secs. 231-241) that collectively would be called the "Missile Defense Act of 1995." The Senate amendment contained two additional provisions secs. 227 and 243) that would also deal with matters related to BMD

The conference agreement combines the House and the Senate BMD provisions into two subtitles as described below.

Subtitle C—Ballistic Missile Defense Act of 1995

Short title (sec. 231)

The House bill contained a provision (sec. 231) that would enti-tle this group of provisions the "Ballistic Missile Defense Act of 1995."

The Senate amendment contained a provision (sec. 231) that would use a different title—"Missile Defense Act of 1995"—reflecting the fact that the Senate version included a provision dealing with cruise missile defense.

The Senate recedes.

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

#### Page 46-50

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) Use of StreamLineD Acquisition Procedures.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and depoloying the theater missile defense system.

tems specified in subsection (a).

(c) Interoperability and Support of Core Systems—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system

of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

and Missile Hackfull System).

(d) FOLLow-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

### Report Language

### Page 721-724

Findings (sec. 232)

The Senate amendment contained a provision (sec. 232) that would establish a series of congressional findings as the rationale for developing and deploying theater and national ballistic missile

The House bill contained a provision (sec. 242) that would make several similar findings.

The House recedes with an amendment merging the House and Senate findings.

Ballistic Missile Defense Policy (sec. 233)

The House bill contained a provision (sec. 232) that would establish a United States policy to: (1) deploy at the earliest practical date highly effective theater missile defenses; and (2) deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

The Senate amendment contained a similar provision (sec. 233)

The Senate amendment contained a similar provision (sec. 233) that would establish a United States policy to: (1) deploy as soon as possible affordable and operationally effective theater missile defenses; (2) develop for deployment a multiple site national missile defense system (that can be augmented to a layered defense over time) while initiating negotiations to amend the Anti-Ballistic Missile (ABM) Treaty; (3) ensure congressional review prior to a decision to deploy the NMD system; (4) improve existing cruise missile defense systems and deploy as soon as practical defenses against advanced cruise missiles; (5) pursue a focused research and devel-

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

### Page 46-50

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstraignates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notifiion/Validation stage of development unless the Secretary descation a report describing-

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and (D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

by section 224 of Public Law 101-189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and nual report of the Ballistic Missile Defense Organization required (e) Program Accountability Report.—(1) As part of the anfollow-on theater missile defense program.

spect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered. (2) As part of such report, the Secretary shall describe, with re-

#### Report Language Page 721-724

tions; (6) employ streamlined acquisition procedures in developing and deploying missile defenses; (7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an and (8) carry out the policies, programs, and requirements of the Missile Defense Act through processes specified within, or consistent with, the ABM Treaty. offense-only form of deterrence as the basis for strategic stability; opment program to provide follow-on ballistic missile defense op-

States policy to: (1) deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the armed forces of the United States and to The House recedes with an amendment to establish a United complement and support the missile defense capabilities of the forces of coalition partners and allies of the United States; and (2) tual assured destruction and an offense-only form of deterrence as seek a cooperative transition to a regime that does not feature muthe basis of strategic stability.

Theater Missile Defense Architecture (sec. 234)

would direct the Secretary of Defense to develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems. The House bill contained another provision (sec. 236) that would establish a ballistic missile defense program accountability The House bill contained a provision (sec. 233) that, in part, report.

## Statutory Language

### Page 46-50

retary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall TY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular be made not later than 60 days after the date of the enactment of (f) Reports on TMD System Limitations Under ABM Trea-Theater Missile Defense system with the ABM Treaty, the Secthis Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM the Secretary shall include with the transmittal under that para-Preaty that differs from the policy described in section 235(b)(1),

graph a report providing a detailed assessment of—
(A) how the policy applied differs from the policy described in section 235(b)(1); and

(B) how the application of that policy (rather than the policy described in section 235(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTER-NATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160;

#### Report Language Page 721-724

core system, require that the systems in the core program be interoperable and mutually supporting, establish guidelines for creating new core systems, and require the Secretary of Defense to provide the congressional defense committees a TMD Architecture report along with the fiscal year 1997 budget submission. The Senate amendment contained a provision (sec. 234) that would provide detailed policy guidance related to theater missile defense. The provision would establish a core theater missile defense program (the Theater High Altitude Area Defense system, the Navy Upper Tier system, the Patriot PAC-3 system, and the Navy Lower Tier system) with programmatic milestones for each

compliance certification for any TMD system: (1) the compliance policy applied in preparing such a certification; (2) how the policy applied differs from the policy stated in section 235(b)(1) of this Act (the so-called "demonstrated standard"); and (3) how the applicavision into a revised TMD reporting requirement, and to make technical and clarifying changes. Included is a requirement that the Secretary of Defense report on the following matters to the Senate Committee on Armed Services and the House Committee on tion of that compliance policy (rather than the "demonstrated standard") will affect the cost, schedule, and performance of the The House recedes with an amendment to integrate elements of the House's ballistic missile defense program accountability pro-National Security whenever the Secretary issues an ABM Treaty **FMD** system being considered

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

### Page 46-50

107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the Designation

the President under the Constitution.
(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) Sense of Congress Concerning Compliance Policy.—It

is the sense of Congress that-

system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty; and

### Report Language

### Page 721-724

Prohibition on use of funds to implement an international agreement concerning theater missile defense systems (sec. 235)

The House bill contained a provision (sec. 235) that would establish a theater missile defense demarcation standard (the so-called "demonstrated standard" based on the range and speed of the target) and would prohibit the obligation or expenditure of funds appropriated for the Department of Defense to implement or employ any other standard.

The Senate amendment contained a related provision (sec. 238) that would: (1) express the sense of Congress that the "demonstrated standard" is the appropriate standard for defining a TMD demarcation; and (2) prohibit the use of funds appropriated for the Department of Defense in fiscal year 1996 to implement an international agreement that is inconsistent with this standard, unless such agreement receives Senate advice and consent to ratification.

cation, or is specifically approved in a subsequent Act.
The House recedes with a clarifying amendment.

Ballistic missile defense cooperation with allies (sec. 236)

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

- search, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant (2) any international agreement that would limit the reto the treaty making powers of the President under the Con-
- MBM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, (c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agree-
- (1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or
  - (2) would restrict the performance, operation, or deployment of United States theater missile defense systems.
- (1) to the extent provided by law in an Act enacted after (d) EXCEPTIONS.—Subsection (c) does not apply-
- (2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or
- 3) ito expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

#### Report Language Page 721-724

# Alliance; and (3) seek agreement with U.S. allies and selected other states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

## ABM Treaty defined (sec. 237)

The House bill contained a provision (sec. 237) that would define the ABM Treaty.

The Senate amendment contained a similar provision. The Senate recedes with a technical amendment.

## Repeal of Missile Defense Act of 1991 (sec. 238)

The House bill contained a provision, (sec. 238) that would repeal the Missile Defense Act of 1991.

The Senate amendment contained a similar provision (sec. 241(1)).

The Senate recedes

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96).

## Statutory Language

Report Language Page 721-724

### Page 46-50

(e) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

the Congress urges the rresident—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile de-

fenses;
(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states.

-	-	
Ĺ	_	
_		
4	_	
l	_	١
•	4	
C	_	)
•	_	-
L		_
ļ	_	
C	_	)
ì	4	•
	4	•
ı	1	i
-	7	:
Ç	Į,	J
2	2	2
ī	ī	7
Ļ	÷	3
L	Į	_
L	1	ı
7	-	5
(	-	J
		1
•	-	į
		J
-		_
(	J	)
(	ſ	ጋ
	-	ź
1	5	5
•		_

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Statutory Language

### Page 46-50

and technology to support both joint development programs and the sale and purchase of missile defense systems and components: and

tems and components; and
(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

## SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

#### Report Language Page 721-724

PAGES 387-397 ARE INTENTIONALLY REMOVED

w	
σ	
ന	

ACT (CONT) Senate FY96 DOD A	S, 1087; Sen Rept. 1044 (7/20/53)  Bill Language None	None None
MISSILE DEFENSE House FY96 DOD Appropriation Bill	H.R. 2126; H.Rept. 104-208 (7/27/95)  Bill Language  None	None

::

LE DEFENSE ACT (Cont)	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)।	None None
	Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	None None

REPEAL OF MISSILE DEFENSE ACT PROVISIONS

(	J	7	)	
4	2	į	•	
(		)	)	
Ì			:	
١		8	,	
	2	>	•	
(		)	)	
ĺ	1		•	
(	1	Ĺ		
Ċ		3	)	
•		i	•	
	•		•	
Ļ				
١			,	
4	•			
L		_	E	
ŀ	1		i	
ì				
•				
L		_		
=			ŀ	
(		ļ	)	
(		2	)	
Ē	5	;	:	
			•	
1				
(	-		•	
•	-	1	ļ	
		Į		
Į	ı		İ	
1	1	L	:	
ļ	į	Ų	ļ	
Ĺ			•	

	ı	
	ı	···
	ı	
	ı	<b>—</b> 10
,	ı	= 6
	ı	$\mathbf{m} \simeq$
	١	- N
	ı	
	ı	~~~
	ı	.≃∞N
	ı	=
	ı	w.
	ı	N
	ı	
	ı	
ı	ı	
•		
•	ı	⊗∞o⊗≪o≫
1	ı	
	ı	
	ı	
ŀ	1	₩ <b>~</b> ₩@¥
١	1	<b>~</b>
	ı	
	ı	
	ı	<b>.</b>
	١	$\mathbf{o}$
	ı	<b>S</b>
1	ĺ	<b>/</b>
ı	ĺ	止の
	ĺ	_
1	ı	<u> </u>
	ı	THE OIL
	ĺ	~~~
	ı	=
•	ı	w T
	Í	U) ·
	ı	
	ĺ	
	ı	
١.	į	
۱ ٔ	ĺ	
	ı	
	ı	
	ĺ	
	ĺ	
	ı	
	ı	
	ı	
	ĺ	
	ı	
ļ		
		(
		5)
		8111 95)
		Bill /95)
		1 Bill 1/95)
		ın Bill 1/1/95)
		on Bill (6/1/95)
		tion Bill (6/1/95)
		ation Bill 1 (6/1/95)
		zation Bill 31 (6/1/95)
		rization Bill 131 (6/1/95)
)		orization Bill -131 (6/1/95)
)		norization Bill 4-131 (6/1/95)
)		thorization Bill 34-131 (6/1/95)
)		uthorization Bill 104-131 (6/1/95)
)		Authorization Bill 104-131 (6/1/95)
)		Authorization Bill 1. 104-131 (6/1/95)
)		O Authorization Bill ot. 104-131 (6/1/95)
)		oD Authorization Bill spt. 104-131 (6/1/95)
)		oD Authorization Bill lept. 104-131 (6/1/95)
)		DoD Authorization Bill Rept. 104-131 (6/1/95)
)		DoD Authorization Bill Bept. 104-131 (6/1/95)
)		6 DoD Authorization Bill 4. Rept. 104-131 (6/1/95)
)		96 DoD Authorization Bill H. Rept. 104-131 (6/1/95)
)		Y96 DoD Authorization Bill ; H. Rept. 104-131 (6/1/95)
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		ouse FY96 DoD Authorization Bill I. 1530; H. Rept. 104-131 (6/1/95)
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		Y96 DoD Author ); H. Rept. 104-1
)		House FY96 DoD Author H.R. 1530; H. Rept. 104-1
)		House FY96 DoD Author H.R. 1530; H. Rept. 104-1
		House FY96 DoD Author H.R. 1530; H. Rept. 104-1
)		House FY96 DoD Author H.R. 1530; H. Rept. 104-1
)		House FY96 DoD Author H.R. 1530; H. Rept. 104-1

#### Bill Language Page 44-45

# SEC. 244. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

- (1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).
- (2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).
- (3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

#### Bill Language Page 68-69

# SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

- (1) The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note).
- (2) Section 237 of the National Defense Authorization Act for Fiscal Year, 1994 (Public Law 103-160).
- (3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

REPEAL OF MISSILE DEFENSE ACT PROVISIONS (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 68-69	(4) Section 222 of the Department of Defense	Authorization Act, 1986 (Public Law 99-145; 99	Stat. 613; 10 U.S.C. 2431 note).	(5) Section 225 of the Department of Defense	Authorization Act, 1986 (Public Law 99-145; 99	Stat. 614).	(6) Section 226 of the National Defense Au-	thorization Act for Fiscal Years 1988, and 1989	(Public Law 100-180; 101 Stat. 1057; 10 U.S.C.	2431 note).	(7) Section 8123 of the Department of Defense	Appropriations Act, 1989 (Public Law 100-463;	102 Stat. 2270-40).	
REPEAL OF MISSILE DEFEN	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 44-45	(4) Section 8123 of the Department of Defense	Appropriations Act, 1989 (Public Law 100-463; 102	Stat. 2270-40).	(5) Section 8133 of the Department of Edfense	Appropriations Act, 1992 (Public Law 102-172; 105	Stat. 1211).	(6) Section 234 of the National Defense Author-	ization Act for Fiscal Year 1994 (Public Law 103-	160; 107 Stat. 1595; 10 U.S.C. 2431 note).					

ILE DEFENSE ACT PROVISIONS (Cont)  Bill Senate FY96 DoD Authorization Bill (95)  S. 1026; Sen. Rept. 104:112 (7/12/95);	Bill Language Page 68-69	(8) Section 8133 of the Department of Defense	Appropriations Act, 1992 (Public Law 102-172;	105 Stat. 1211).	(9) Section 234 of the National Defense Au-	thorization Act for Fiscal Year 1994 (Public Law	103-160; 107 Stat. 1595; 10 U.S.C. 2431 note).	(10) Section 235 of the National Defense Au-	thorization Act for Fiscal Year 1995 (Public Law	103-337; 108 Stat. 2701; 10 U.S.C. 221 note).	•	
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)												

nt) ation Bill (7/12/95)			
Senate FY96 DoD Authorization Bill S 1026: Sen Bent 104-112 (7/12/95	1		
SILE DEFENSE		SECTION 244—REPEAL OF MISSILE DEFENSE PROVISIONS  This section would repeal six provisions of law with respect to missile defense.	

Í	
3	
	-
CIONIC (C)	
ļ	
SILE DEFENSE ACT DEOV	
N	
FFF	
П	)
SIL	)
MIS	1
L OF MISSIL	
REPEA	
œ	

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 54

## SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed: (1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note)

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 614).
(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172, 105 Stat. 1211).
(6) Section 234 of the National Defense Authorization Act

for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).

(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2701; 10 U.S.C. 221 note).

(9) Section 2609 of title 10, United States Code.

#### Report Language Page 734

## Repeal of missile defense provisions (sec. 253)

The Senate amendment contained a provision (sec. 241) that would repeal ten outdated BMD-related provisions of law.

The House bill contained a similar provision (sec. 244) that would repeal six outdated BMD-related provisions of law.

The House recedes with an amendment. The Conferees agree to repeal nine outdated BMD-related provisions of law.

LE DEFENSE ACT PROVISIONS (CONT)	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language None	None None
REPEAL OF MISSILE DEFENSE	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)	Bill Language None	None None

E DEFENSE ACT PROVISIONS (CONT)	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	None  None
REPEAL OF MISSILE DEFEN	Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95)	None None

## ALLIED COOPERATION

Ho H.R ill Language	ouse FY96 DoD Authorization 3. 1530; H. Rept. 104-131 (6.	ALLIE	D COOPERATION Senate FY96 DoD Auth S. 1026; Sen. Rept. 104.	horization BIII L112 (7/12/95	
---------------------------	--------------------------------------------------------------	-------	-------------------------------------------------------------	----------------------------------	--

# SEC. 1225. ACCOUNTING FOR BURDENSHARING CONTRIBU. TIONS.

Page 403-404

- (a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:
- "(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the

# SEC. 1055. STRATEGIC COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Page 358-360

- (a) FINDINGS.—Congress makes the following findings:
- (1) The President and Congress have repeatedly declared the long-standing United States commitment to maintaining the qualitative superiority of the Israel Defense Forces over any combination of potential adversaries.
- (2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including that of enhanced regional stability and technical cooperation.

	,
<u>`</u>	
-	
	•
_	,
<i>C</i> :	١
	٠.
•	-
Z	_
$\overline{}$	7
C	)
$\sim$	_
	_
-	
ATI	٢
•	Ŀ
N	
ш	•
Ī	1
ш	
0	
-	-
	١.
•	,
	•
	J
Ĩ	•
L	J
_	-
	•
1	J
11	1
ш	
-	-
	-
	7
_	J
	-
-	

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 403-404

contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) TECHNICAL AMENDMENT.—Such section is further amended—

### S. 1026; Sen. Rept. 104-112 (7/12/95) Bill Language Page 358-360

Senate FY96 DoD Authorization Bil

(3) Despite the historic peace effort in which Israel and its neighbors are engaged, Israel continues to face severe potential threats to its national security that are compounded by terrorism and by the proliferation of weapons of mass destruction and ballistic missiles.

(4) Congress supports enhanced United States cooperation with Israel in all fields and, especially, in finding new ways to deter or counter mutual threats.

(b) United States Policy.—It shall be the policy of the United States that—

						.*									
LIED COOPERATION (Cont)	Senate FY96 DoD Authorization Bill S. 1028; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 358-360	(1) the President should ensure that any con-	ventional defense system or technology offered by	the United States for sale to any member nation of	the North Atlantic Treaty Organization (NATO) or	to any major non-NATO ally is concurrently made	available for purchase by Israel unless the President	determines that it would not be in the national secu-	rity interests of the United States to do so; and	(2) the President should make available to Is-	rael, within existing technology transfer laws, regula-	tions, and policies, advanced United States tech-	nology necessary for achieving continued progress in	cooperative United States-Israel research and devel-
ALLIED COOP	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 403-404	(1) in subsection (e)(1), by striking out "a report	to the congressional defense committees" and inserting	in lieu thereof "to the congressional committees speci-	fied in subsection (g) a report"; and	(2) by adding at the end the following new sub-	section:	"(g) Congressional Committees.—The congres-	sional committees referred to in subsection (e)(1) are—	"(1) the Committee on Armed Services and the	Committee on Appropriations of the Senate; and	"(2) the Committee on National Security and the	Committee, on Appropriations of the House of Rep-	resentatives.".

opment of theater missile defenses.

(	ここう	
TO HY CI	ことをこ	
		· · · )
		ווווווווווווווווווווווווווווווווווווווו

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Report Language Page 262

SECTION 1225—ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS

This section would authorize the United States to accept burdensharing contributions in the currency of the host nation or in dollars, and to manage it as a separate account, available until expended.

### Report Language Page 288

Section - 1055. Strategic cooperation between the United States and Israel.

The committee recommends a provision which expresses the sense of Congress supporting continued cooperation between the United States and Israel in military and technical areas; in particular, in missile defense systems. This provision calls for the elimination of unnecessary barriers to collaboration between the two allies in order to maintain Israel's qualitative edge over potential adversaries in conventional weaponry and missile defenses. The committee believes that both the United States and Israel

The committee believes that both the United States and have benefitted from this collaborative effort. The committee recognizes that Israel is engaged in a peace initiative that could pose increased risks to its security. Maintaining Israel's defense qualitative edge is thus more critical now than perhaps at any other time. However, the committee also notes that U.S. national secutime. However, the proliferation of weapons of mass destructive concerns, such as the proliferation of weapons of mass destruction, must limit cooperation in certain technical areas.

## **ALLIED COOPERATION (CONT**

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) ,*

## Statutory Language

#### Page 52

SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

### Report Language

Ballistic missile defense cooperation with allies (sec. 236)

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the Alliance; and (3) seek agreement with U.S. allies and selected othe states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision

## ALLIED COOPERATION (CONT)

# Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 314-315

SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a)."

(b) Conforming Amendment—Subsection (d) of such section

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) Technical Amendment.—Such section is further amend

### Report Language

#### Page 860

Defense cooperation between the United States and Israel

The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas. The House bill contained no similar provision.

The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.

ED COOPERATION (CONT)	Conference Report on FY96 DOD Authorization  S. 1124; H.Rept. 104-450 (1/22/96).	Report Language Page 874	Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO Accounting for burdensharing contributions (sec. 1331) The House bill contained a provision (sec. 1225) that would authorize the United States to accept burdensharing contributions in the currency of the host nation or in United States dollars. This provision would maintain this funding in a separate account that would be available until expended. The Senate bill contained no similar provision.	
ALLIED COOPE	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language Page 314-315	gressional defense committees" and inserting in lieu thereof "to the congressional defense committees specified in subsection (g) a report"; and (2) by adding at the end the following new subsection: "(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and "(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives."	

ION (CONT)	Senate FY96 DOD Appropriation Bill S. 1087; Sen Rept. 104-124 (7/28/95)	Bill Language None	None None
ALLIED COOPERATION (CONT)	House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 (7/27/95)		None None None

	Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)	
	FY96 DoD A E. 104-344 (1	
Cont)	rence Report on FY96 DoD Approprit H.R 2126; H. Rept. 104-344 (11/15/95)	all
ALLIED COOPERATION (Cont)	Conference H.R.	Report Language None
COOPER	oriations 15)	
ALLIEC	Conference Report on FY 96 DoD Appropria H.R. 2126; H. Rept. 104-344 (11/15/95)	
	rt on FY 96   4. Rept. 104-	
	rence Repo 4.R. 2126; F	Canguage Canguage
	Confer	Statutory I None

## MILITARY CONSTRUCTION

## MILITARY CONSTRUCTION

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104¹131 (6/1/95)

| | Senate FY96 DoD Authorization Bill | S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language

Page 427

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-

## TION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

1, -1-10,		
Agency/States:	Installation or location	Amount
Ballistic Missile De- fense Organization		
Texas	Fort Bliss	\$13,600,000

#### Bill Language Page 421

SEC. 2401: AUTHORIZED DEFENSE AGENCIES CONSTRUC-TION AND LAND ACQUISITION PROJECTS. (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States.

Agency	Installation Or Location Amount	Amount
Ballistic Missile Defense Or-		
ganizauon:	Fort Bliss, Texas	\$13,600,000

CTION (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	None None
MILITARY CONSTRUCTION (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	

### Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) MILITARY CONSTRUCTION (CONT) Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language Page 369

Report Language None

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS. (a) INSIDE THE UNITED STATES.—Using amounts appropriated suant to the authorization of appropriations in section

pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Agency/State	Installation or location	Amount
Ballistic Missile Defense Organization		
Texas Defense Finance & Accounting Service	Fort Miss	\$13,600,000
Ohio Defense Intelligence Agency	Ohio Columbus Center Columbus Center	\$72,403,000
District of Columbia	Bolling Are Forw Base	\$498,000

421

MILITARY CONS	MILITARY CONSTRUCTION (CONT)
ноиse FY96 DOD Appropriation Bill H.R. 1817; H.Rept. 104-137 (6/13/95)	Senate FY96 DOD Appropriation Bill H.R. 1817; Sen Rept. 104-116 (7/19/95)
Bill Language None	Bill Language None
None None	None None

TRUCTION (Cont) Conference Report on FY96 DoD Appropriations H.R 1817; Sen. Rept. 104-247 (9/14/95)	Report Language  Nome
Conference Report on FY 96 DoD Appropriations Conference Report H.R. 1817; H. Rept. 104-247 (9/14/95) H.R. 1817; Sen	Statutory Language None

## FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS)

## Page 53-55 SEC. 257. FIVE-YEAR PLAN FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS).

- (a) FIVE-YEAR PLAN.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by federally funded research and development centers (FFRDCs) and establish a framework for the future workload of such centers.
- (b) OBJECTIVES.—The plan shall set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, the following:

## SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOP-

Page 42-44

MENT CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

1		
i	ത്≪ി	
	_ O	
	~ <del>~ ~ ~</del>	
	≅ N	
	<u> </u>	
	¥21	
1	= 2	
	7	
	<u> </u>	
	<b>₩</b> •	
	Ø .	
	0 =	
	> ( <u>)</u>	
	Tr. O	
	0 %	
	េកសា	
	EO	
	E 2	
	100.21	
=	C)	
Ä		
Q		
C		
	4 1	1
10		•
CS (Cont)		
$\mathbf{Y}$		
FRD		
Щ	_ പ	
	<b>₹</b> 6	
	1 2 4	
	₫	
	NO	
	2 -	
	1 5 41	
	121	
	© +	
	0	
	∣≻പ്	
	1 T 🙊	
	രഹ	
	े छ	
	I°¥°":I	

#### Bill Language Page 53-55

- (1) Implementation by federally funded research and development centers of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers.
- (2) Consolidation of such core level activities into as few federally funded research and development centers as is practical and possible.
- (3) Acquisition of systems engineering and systems integration activities currently performed by federally funded research and development centers through the use of competitive procedures.
- (4) Fransfer of the management of the Software Engineering Initiative activities to the Defense Infor-

#### Bill Language Page 42-44

- (b) REPORT ON ALLOCATIONS FOR CENTERS.—(1)
- Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—
- (A) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and
- (B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

	G
	<b>≅</b> ⊙
	<b>1</b>
- *	$\mathbf{E} =$
	$\circ$
e i	NO
٠,	$\pm$ $\pm$
	0
	<b>E</b> *
	30
	<b>⋖</b> ¬
	കെട
	$\mathbf{g}$
	<b>*</b>
	17.76
	<u> </u>
	ल ल
	$\mathbf{o}$
	တို့တွ
	•
ino,	
Ņ	
וכ	
noာ) :	
מו	
3	
5	
5	
ב	
בת	
-ראט	
rrkucs	
rrkD	5)
LLRD	311 (38)
FFRD	. Bill 1/95)
LLE	on Bill 3/1/95)
FFRU	lion Bill (6/1/95)
rrku	ation Bill 1 (6/1/95)
rrku	ization Bill 31 (6/1/95)
rrku	orization Bill -131 (6/1/95)
rrku	horization Bill 4-131 (6/1/95)
rfku	ıthorization Bill 04-131 (6/1/95)
rfku	Authorization Bill 104-131 (6/1/95)
FFKU	. Authorization Bill t. 104-131 (6/1/95)
LL	D Authorization Bill ipt. 104-131 (6/1/95)
FFRU	0oD Authorization Bill 1ept. 104-131 (6/1/95)
L	DoD Authorization Bill Rept. 104-131 (6/1/95)
FFRU	6 DoD Authorization Bill 4. Rept. 104-131 (6/1/95)
LL	'96 DoD Authorization Bill H. Rept. 104-131 (6/1/95)
L	Y96 DoD Authorization Bill 0; H. Rept. 104-131 (6/1/95)
L	FY96 DoD Authorization Bill 30; H. Rept. 104-131 (6/1/95)
	e FY96 DoD Authorization Bill 530; H. Rept. 104-131 (6/1/95)
	use FY96 DoD Authorization Bill 1530; H. Rept. 104-131 (6/1/95)
LL	ouse FY96 DoD Authorization Bill 3. 1530; H. Rept. 104-131 (6/1/95)
LL	House FY96 DoD Authorization Bill .R. 1530; H. Rept. 104-131 (6/1/95)
	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)
LLKO	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)
LLKO	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)
LLKO	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)
LL	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)
	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

#### Bill Language Page 53-55

mation Systems Agency for purposes of supporting command, control, communications, computing, and intelligence (C4I) programs.

- (5) Transfer of the management of the core activities of Lincoln Laboratory to the Office of the Secretary of Defense.
- (6) Acquisition of services provided to the Department of Defense by university-affiliated research centers (that operate like federally funded research and development centers) through the use of competitive procedures.
- (c) OTHER MATTERS.—The plan also shall include the following:

#### Bill Language Page 42-44

- (2) The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).
- (c) LIMITATION PENDING SUBMISSION OF RE-PORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 may be obligated to procure work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).
- (d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of \$1,162,650,000 may be obligated to procure services from

FFRDCs (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	n: 1 r
	e FY96 DoD Authorization Bill i, Sen. Rept. 104-112 (7/12/95)	

#### Bill Language Page 53-55

- (1) An assessment of the number of staff needed in each federally funded research and development center during each year over the five years covered by the plan.
- (2) A specific timetable for phasing in the objectives set forth in subsection (b).
- (d) REPORT.—Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.
- (e) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by \$90,097,000.

#### Bill Language Page 42-44

the federally funded research and development centers named in the report required by subsection (b).

(e) Authority To Waive Funding Limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice

s (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 42-44	is submitted to those committees, unless the Secretary de-	termines that it is essential to the national security that	funds be obligated for work at that center in excess of	that limitation before the end of such period and notifies	the Committee on Armed Services of the Senate and the	Committee on National Security of the House of Rep-	resentatives of that determination and the reasons for the	determination.	(f) UNDISTRIBUTED REDUCTION.—The total amount	authorized to be appropriated for research, development,	test, and evaluation in section 201 is hereby reduced by	\$90,000,000.	
FFRDCs (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language Page 53-55													

SECTION 257—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

This section would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to recvaluate the functions of Federally Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to \$1.15 billion. This provision would also reduce FFRDC funding by \$90.097 million.

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language Page 109 Section - 219. Federally funded research and development centers.

The committee is pleased at the degree to which the Under Secretary of Defense for Acquisition and Technology is attempting to assert greater management control over the 11 Department of Defense federally-funded research and development centers (FRRDC) end the similar university affiliated research centers (UARC). The committee supports the current initiatives within the Department of Defense to improve the management of fees, to define the core work that FFRDC's and UARC's perform, to compete the non-core work, and to establish an independent advisory committee to review and report annually on Department of Defense management of FFRDC's and UARC's. The committee intends to review the implementation of these initiatives in future hearings to insure that implementation is timely and aggressive.

The committee notes that the recent DOD FFRDC management

The committee notes that the recent DOD FFKDC management efforts have included two independent reviews of the controversial issue of executive compensation. Both the DOD Inspector General and the private sector Hay Group analyzed this issue and found that executive compensation levels at FFRDC's were generally either at or below the market averages. Therefore, the committee bether at or below the market averages. Therefore, the committee believes that continuation of a congressionally-mandated salary celling is inappropriate.

In recognition of the continuing decline in funding for research and development, the committee recommends an undistributed reduction in FFRDC funding of \$90.0 million below the ceiling for fiscal year 1995 and has established a statutory ceiling for FFRDC's of \$1.162 billion in fiscal year 1996. The committee expects that this reduction will be implemented by moving non-core work, from FFRDCs other than Studies and Anaylses FFRDCs, to other competitively-awarded contracts as determined by the ongoing DOD review of core capabilities for FFRDC's. The committee directs the Department to ensure adequate funding this year for those

### **FFRDCs (Cont)**

### House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

### Report Language

Page 80-81

Federally funded research and development centers (FFRDCs)

The committee is disappointed that the recently released Defense Science Board (DSB) study on the role of FFRDCs failed to offer any innovative alternatives to redefine and rebalance the workload of the centers. The report noted however, that private sector capabilities in systems engineering (SE) and systems integration (SI) have grown dramatically and that there is general agreement, inside and outside of government, that current private sector capabilities in SE and SI are more than sufficient to meet the Department's needs for these services. Therefore, the committee believes that steps should be taken to phase out a significant portion of FFRDC activity through competitive contracting. The committee recommends a legislative provision (see, 257) that would require the Department to subject future FFRDC SE and SI work to open competition.

The committee also notes that the Department has decreased funding for FFRDCs that perform studies and analyses less than 5 percent in actual funding since 1991. The committee believes the FFRDC capability must be rebalanced with additional efficiencies achieved in studies and analysis as well as a reevaluation of its FFRDC laboratory functions. The committee recognizes that the Lincoln Laboratory as well as other university affiliated research centers that serve the military under long-term "FFRDC-like" arrangements offer vital bridges from university discovery to potential military products. The committee recommends that this valuable FFRDC function be recognized for its important contribution and be factored into subsequent defense technology planning.

The committee believes additional reductions can and should be made in certain FFRDCs and limits FFRDC funding by the Department in fiscal year 1996 to \$1.15 billion, a reduction of \$100 million from the projected requirement, of which \$9.903 million is for the Lincoln Laboratory research program in PE 62234D.

The committee directs that the Institute for Defense Analysis and the Software Engineering Institute level of funding shall not be reduced from the Department planned fiscal year 1996 activity.

#### Report Language Page 109

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

FFRDUs engaging in studies and analyses for the Office of the Serretary of Defense and the services. The committee further directs the Department to provide Congress with a recommended funding ceiling for the UARCs for fiscal year 1996. The committee directs that no more than one third of the total funds for UARCs be released until the proposed ceiling is transmitted to Congress.

### FFRDC'S (CONT

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 40-41

SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CEN-TERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

"UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level (a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be ob-ligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a

set forth for that center in such report.
(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of

Representatives a report containing—
(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

#### Report Language Page 721

Federally-Funded Research and Development Centers (sec. 220)

ed Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to \$1.15 billion and reduce fund-The House bill contained a provision (sec. 257) that would require the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally-Fund-University-Affiliated Research Centers fok FFRDCs and (UARC) by \$90.1 million.

\$90.0 million, below the ceiling for fiscal year 1995, and would establish a statutory ceiling for FFRDCs of \$1.2 billion in fiscal year The Senate amendment contained a provision (sec. 219) that would require an undistributed reduction in FFRDC funding of

The Senate recedes with an amendment. The conferees agree to reduce the funding for FFRDCs and UARCs by \$90.0 million in fiscal year 1996 and direct that not more than \$9.0 million of this reduction be applied to funding for UARCs. The conferees have included language that would require the Secretary of Defense to manage the UARCs at the fiscal year 1995 level. The conferees direct the Secretary of Defense to ensure adequate funding in fiscal year 1996 for those FFRDCs that engage in studies and analysis for the Office of the Secretary of Defense and the services. The conferees also direct the Secretary to examine the possibility of increasing the use of the Software Engineering Institute in support of command, control, communications, computing, and intelligence programs managed by the Office of the Secretary of Defense.

	C
	<u> </u>
	I.**
	<del>       </del>
	(T)
	IN .
,	Z
•	'96 DOD Author 04-450 (1/22/96)
	O
:	- N
	96 DOD 4-450 (
	<b></b>
	FY9 t. 104
	<b>∞</b> -∞••
	<b></b>
	ference Report on FY96 S. 1124; H.Rept. 104-
,	
	lo
	O
	O T
	Conference Rep S. 1124; F
	- T
ĺ	W-W
	**************************************
_	(U (O)
7	•
	<b>9</b>
$\cap$	· =
$\mathbf{\mathcal{C}}$	<b>A</b>
()	
$\mathbf{\mathcal{G}}_{\mathbf{J}}$	
10	
U)	
- 1	
(1	
Ö	
	u
DC	uc
<b>SDC</b>	lon
RDC	ition
FRDC	ation
FRDC	zation
FFRDC	rízation
FFRDC'S (CONT)	orization ;)
FFRDC	iorízation 16)
FFRDC	horízation 96)
FFRDC	rthorízation 2/96)
FFRDC	uthorization (2/96)
FFRDC	Authorization 22/96)
FFRDC	Authorization I/22/96)
FFRDC	7 Authorization (1/22/96)
FFRDC	JD Authorization (1/22/96)
FFRDC	OD Authorization 0 (1/22/96)
FFRDC	30D Authorization 50 (1/22/96)
FFRDC	DOD Authorization 450 (1/22/96)
FFRDC	6 DOD Authorization -450 (1/22/96)
FFRDC	96 DOD Authorization 4-450 (1/22/96)
FFRDC	'96 DOD Authorization 04-450 (1/22/96)
FFRDC	Y96 DOD Authorization 104-450 (1/22/96)
FFRDC	FY96 DOD Authorization 104-450 (1/22/96)
FFRDC	ı FY96 DOD Authorization t. 104-450 (1/22/96)
FFRDC	n FY96 DOD Authorization ot. 104-450 (1/22/96)
FFRDC	on FY96 DOD Authorization spt. 104-450 (1/22/96)
FFRDC	on FY96 DOD Authorization lept. 104-450 (1/22/96)
FFRDC	rt on FY96 DOD Authorization Rept. 104-450 (1/22/96)
FFRDC	ort on FY96 DOD Authorization I.Rept. 104-450 (1/22/96)
FFRDC	oort on FY96 DOD Authorization H.Rept. 104-450 (1/22/96)
FFRDC	port on FY96 DOD Authorization H.Rept. 104-450 (1/22/96)
FFRDC	eport on FY96 DOD Authorization I; H.Rept. 104-450 (1/22/96)
FFRDC	Report on FY96 DOD Authorization !4; H.Rept. 104-450 (1/22/96)
FFRDC	Report on FY96 DOD Authorization 24; H.Rept. 104-450 (1/22/96)
FFRDC	e Report on FY96 DOD Authorization 124; H.Rept. 104-450 (1/22/96)
FFRDC	ce Report on FY96 DOD Authorization 1124; H.Rept. 104-450 (1/22/96)
FFRDC	nce Report on FY96 DOD Authorization . 1124; H.Rept. 104-450 (1/22/96)
FFRDC	ence Report on FY96 DOD Authorization 5. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	rence Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	erence Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	ference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	nference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	onference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)
FFRDC	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 40-41

- (c) Limitation Penning Summission of Resont. Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by sub-
  - (d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of \$1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).
    - the report required by subsection (b).

      (e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.

#### Report Language

í		_	_
	-	2	,
4			-
ı			)
(	•	4	)
•		_	
(	1		)
ì	`	•	
Ī	١	4	)
<u></u>			)
( L L	1		•
Ĺ	1		
Ĺ	ı		

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Report Language

#### Statutory Language Page 40-41

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.

#### (2) The plan shall—

(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and

(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection.

#### 434

FFRDCs (Cont)	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)
FFRDC	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)
	l ·

#### Bill Language Page 61

SEC. 8042. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.

(b) LIMITATION ON COMPENSATION.—No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC.

## Senate F Y96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) Bill Language Page 74-75

SEC. 8077. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid

(Cont)	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)
FFRDCs (Cont)	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)

#### Bill Language Page 61

a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

#### Bill Language Page 74-75

consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded

FFRDC	FFRDCs (Cont)
House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Senate FY96 DoD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95)
Report Language None	Report Language None
(d) Notwithstanding any other provision of law, of	by government grants, or for absorption of contract over-
the amounts available to the Department of Defense during fiscal year 1996, not more than \$1,252,650,000 may	(d) Notwithstanding any other provision of law, of
be obligated for financing activities of defense FFRDCs:	the amounts available to the Department of Defense dur-
Provided, That in addition to any other reductions re-	ing fişcal year 1996, not more than \$1,162,650,000 may
quired by this section, the total amounts appropriated in	be obligated for financing activities of defense FFRDCs:
titles II, III, and IV of this Act to finance activities carried	Provided, That the total amounts appropriated in titles II,
out by defense FFRDCs and other entities providing con-	III, and IV of this Act are hereby reduced by \$90,000,000
sulting services, studies and analyses, systems engineering	to reflect the funding ceiling contained in this subsection.
and technical assistance, and technical engineering and	
management support are hereby reduced by \$90,097,000.	

FFRD(	FFRDCs (Cont)
Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95)	Conference Report on FY96 DoD Appropriate H.R. 2126; H. Rept. 104-344 (11/15/95)

ations

#### Statutory Language Page 26

SEC. 8046. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) Limitation on Compensation.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

performance of memoersury unites.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract

overruns.

(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than \$1,162,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by \$90,000,000 to reflect the funding ceiling contained in this subsection.

#### Report Language None

SPACE-BASED INFRARED SYSTEM (SBIR)

SPACE-BASED INFRA	SED INFRARED STSTEM (SBIK)
House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)
angn	Bill Language
None	/age 35-30
	SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PRO-
	GRAM.
	(a) DEVELOPMENT AND DEPLOYMENT PLAN.—The
	Secretary of the Air Force shall structure the development
	schedule for the Space and Missile Tracking System so
	as to achieve a first launch of a user operation evaluation
	system (UOES) satellite in fiscal year 2001, and to attain
	initial operational capability (IOC) of a full constellation
	of user operation evaluation systems and objective system
	satellites in fiscal year 2003.
	(b) Management Oversight.—In exercising the re-
	sponsibility for the Space and Missile Tracking System
	program, the Secretary of the Air Force shall first obtain

ij
5
ŭ
ARED SYSTEM (SBIR) (C
R
Ö
<u>ଫ</u>
ດ່
>
S
Ш
$\mathbf{\alpha}$
4
Œ
뜨
$\leq$
<b>SED INFRA</b>
冚
S
4
Ø
山山
$\overline{\mathbf{c}}$
4
2
S

House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

#### Bill Language None

#### Bill Language Page 35-36

the concurrence of the Director of the Ballistic Missile Defense Organization before implementing any decision that would have any of the following results regarding the program:

- (1) A reduction in funds available for obligation or expenditure for the program for a fiscal year below the amount specifically authorized and appropriated for the program for that fiscal year.
- (2) An increase in the total program cost.
- (3) A delay in a previously established development or deployment schedule.
- (4) A modification in the performance parameters or specifications.

D SYSTEM (SBIR) (Cont)	Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)	Bill Language Page 35-36	(c) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(3) for fiscal year 1996, \$249,824,000 shall be available for the Space and Missile	Tracking System (SMTS) program.	
SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)	House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)	Bill Language None			

## SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

### H.R. 1530; H. Rept. 104-131 (6/1/95) House FY98 DoD Authorization Bil

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

#### Report Language Page 122

Space-based infrared system

The budget request included \$130.744 million in PE 63441F for Space-Based Infrared System (SBIRS) demonstration/validation, and \$152.219 million in PE 64441F for SBIRS High Element engi-

partment's plans for fielding such a system. With respect to PE The committee reaffirms its strong support for fielding an improved capability to provide the nation's political and military leaders with timely and effective missile warning information. The committee recommends several actions intended to accelerate the Deneering and manufacturing development (EMD). 63441F:

Tracking System (SMTS), an increase of \$135 million, and \$15.9 million, the requested amount, is recommended for the "Cobra Brass" space experiment; (1) \$249.8 million is recommended for the Space and Missile

(2) the schedule for launching the SMTS flight demonstra-

tion satellites should be accelerated as much as practical; (3) deployment of SMTS operational satellites shall begin not

(4) a long-wave infrared (LWIR) sensor shall be tested on at later than the fourth quarter of fiscal year 2003; and

Sensor Technology Integration and \$152.8 million, an increase of \$10 million, for the SBIRS High Element EMD. The committee encourages the Department, in light of efforts to accelerate SMTS, to review the appropriate mix of capabilities between the high and low earth orbit components of SBIRS and to communicate the results of this analysis to the congressional defense committees by no least one of the two flight demonstration satelliles. In PE 64441F, \$9.4 million is recommended for the Miniature ate than September 1, 1995.

urges that these processes and procedures remain in effect for the The committee commends the Air Force for adopting innovative acquisition streamlining measures for the SBIRS program, and duration of the program.

#### Report Language Page 99-101

Section - 214. Space and missile tracking system program.

The Space-Based Infrared System (SBIRS) will replace and provide increased performance over the existing Defense Support Program (DSP) system. SBIRS will incorporate new technologies to enhance detection, provide direct reporting of strategic and theater ballistic missile launches, and provide mid-course tracking and discrimination data for national and theater missile defense. The syshighly elliptical orbits (HEO), and low earth orbits (LEO), and an integrated centralized ground station serving all space elements of tem will consist of sensors located in geosynchronous orbits (GEO), SBIŘS as well as DSP.

from past approaches. The introduction of a distributed LEO constellation will provide tremendous advantages and opportunities, some of which are not yet fully understood. In addition to its role in missile defense, the LEO system will make major contributions be integrated with, and take maximum advantage of, the SBIRS architecture. SBIRS also signals a dramatic technical departure on. More importantly, the committee expects the SBIRS program to be a catalyst in the development of a new approach to missile warning. Tactical Warning and Attack Assessment (TW/AA) can no ture and the streamlined acquisition strategy that has been adopted. The committee expects the resulting integrated structure to provide the basis for program stability and efficiency in what has process that was employed in deciding upon the SBIRS architecbeen an overly turbulent and protracted search for a DSP followlonger be viewed as a mission which stands separate from ballistic missile defense. Future national and theater missile defenses must in the areas of technical intelligence and space object characteriza-The committee commends the Department of Defense for the tion and surveillance.

()ont	
R (C)	
(SBIR)	
STEN	
D SY	
RARED S	
D INFRA	
ACE-BASED	
_	-
SP	The state of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the last of the l

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

Report Language Page 99-101

Report Language

Page 122

The budget request for SBIRS included \$130.7 million for Demonstration/Validation (Dem/Val), \$152.2 for Engineering and Manufacturing Development (EMD), and \$19.9 million for Procurement. Of the funds requested for Dem/Val, \$114.8 million was for the Space and Missile Tracking System (SMTS), formerly known as "Brilliant Eyes."

After evaluation of its original ground system development plan, the Air Force has decided to restructure the program to re-phase hardware purchases and software engineering to allow for a more careful evaluation of system costs versus military utility. Hence, the \$19.9 million procurement request is no longer needed for the previously identified purpose. The committee, therefore, recommends no funding for SBIRS procurement (PE 35915F), and recommends that \$10.0 million of these funds be transferred to SBIRS EMD (PE 0604441F) to support ground system risk reduction, for a total of \$162.2 million. Of this amount, the committee directs the Secretary of the Air Force to use \$9.4 million to launch the third Miniature Sensor Technology Integration (MSTI-3) satellite.

MSTI-3 will provide critical infrared background clutter phenomenology data for the SBIRS high element EMD program.

Although the committee endorses the priority and schedule for the GEO and HEO components of SBIRS, it views the current schedule for the LEO segment to be unacceptably prolonged. Current plans do not call for the first launch of an objective SMTS satellite until 2006. This leisurely schedule is based on the assumption that SMTS will not be needed to support national or theater missile defenses before this date. The committee strongly disputes this planning assumption. Theater missile defense systems that will be able to exploit SMTS data will become operational before the turn of the century. More important, the Missile Defense Act of 1995 (Subtitle C of Title II), is premised in part on an SMTS initial operational capability in fiscal year 2003.

H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bil

S. 1026; Sen. Rept. 104-112 (7/12/95) Senate FY96 DoD Authorization Bil

> Report Language Page 122

Report Language Page 99-101

ing a first launch of an SMTS user operational evaluation system (UOES) satellite in 2001. The committee, therefore, recommends a provision which requires the Secretary of the Air Force to restructure the SMTS program to support a first launch of UOES satellites in fiscal year 2001, with the full SMTS constellation (consisting of a combination of UOES satellites and objective satellites) on orbit by the end of fiscal year 2003. To support this restructured schedule, the committee recommends an authorization of \$250.0 million in fiscal year 1996 for the SMTS program, an increase of \$135.0 million over the budget request. The committee directs the Air Force to restructure the SMTS schedule to meet the following The committee notes that there are no technical obstacles to havmilestones:

—Preliminary Design Review (PDR) and Critical Design Review (CDR) of the flight demonstration system (FDS) in fiscal year 1996.

-System Requirements Review (SRR) for the objective SMTS satellites in fiscal year 1996.

-Formal Requirements Review (FRR), deployment decision, and PDR for the objective SMTS satellites in fiscal year 1997.—Launch of the FDS satellites in fiscal year 1998.

—CDR for the objective satellites in fiscal year 1999.

The objective SMTS system shall be designed, developed, tested and constructed to detect, characterize, track, and synthesize stereo mit, launch, fly-out, and receive in flight target updates and guidance information in advance of—or in place of—the defensive systrack information concerning ballistic missile attack. The system shall be designed to generate and transmit, in a sufficiently timely tem's associated radar, and in a way which maximizes the kinemanner, all data necessary to enable defensive interceptors to commatic potential of the defensive interceptor to conduct ballistic mis-

Report Language

Page 122

#### Report Language Page 99-101

To ensure that this schedule and these technical specifications are met, the committee recommends a provision which would require the Air Force to seek the concurrence of the Director of the Ballistic Missile Defense Organization before implementing any decision that would have any of the following results regarding SMTS: (1) a reduction in funds available in any fiscal year; (2) an increase in the total program cost; (3) a schedule delay; or (4) a modification of the performance parameters or specifications.

As a result of budgetary constraints, the Air Force has been forced to down-select to a single flying contractor for the SMTS FDS. While the committee does not oppose this decision, it does believe that the Air Force should consider alternatives for maintaining competition and reducing risk. The committee is aware of proposals to have the non-flying contractor conduct a low-cost flight experiment to provide a second SMTS concept capable of moving forward into EMD. The committee understands that such a flight experiment could be conducted for a total of \$80 million over three years. The committee urges the Air Force to carefully evaluate this alternative and to determine whether this approach could in fact reduce risk and help meet the deployment goals specified above. If the Secretary of the Air Force determines that this approach would help achieve the deployment goals specified above, the committee authorizes the use of up to \$40 million of the funds authorized for SMTS in fiscal year 1996 to begin such a low-cost flight experi-

## SPACE-BASED INFRARED SYSTEM (SBIR) (CONT

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language Page 37-38

## SEC. 216. SPACE-BASED INFILARED SYSTEM.

lish a program baseline for the Space-Based Infrared System. Such (a) PROGRAM BASELINE.—The Secretary of Defense shall estabbaseline s**hall**—

(1) include—

(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscul year in which such activities are planned to be carried out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;
(3) ensure integration of the Space and Missile Tracking

System into the architecture of the Space-Based Infrared Sys-

ment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unneces-(4) ensure that the performance parameters of all space segsary redundancy and cost. tem; and

### Page 715-717

Report Language

## Space-based infrared system (sec. 216)

The Senate amendment contained a provision (sec. 214) that would accelerate development and deployment of the Space and Missile Tracking System (SMTS), formerly known as Brilliant Eyes, and that would require the Secretary of the Air Force to obtain the concurrence of the Director of the Ballistic Missile Defense Organization (BMDO) before implementing any decision that would impact the SMTS program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a program baseline for the overall Space-Based Infrared System (SBIRS) program. The baseline

would include the following:

a comprehensive schedule with program milestones and exit criteria, and (C) optimized performance parameters for each which development and acquisition activities are planned, (B) (1) overall program structure, including: (A) program cost and an estimate of the funds required in each fiscal year in segment of the integrated system;

(2) a development schedule for SMTS structured to achieve the first launch of a Block I satellite in fiscal year 2002, and initial operational capability (IOC) of the system in fiscal year (3) full integration of SMTS into the overall SBIRS architecture; and

space segment components so as to optimize the performance (4) establishment of the performance parameters of all of the integrated system while minimizing unnecessary redundancy and cost.

## SPACE-BASED INFRARED SYSTEM (SBIR) (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

## Conference, Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

#### Statutory Language

#### Page 37-38

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program base line established under subsection (a).

justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space Based Infrared System shall be set forth in accordance with the fol-(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget lowing program elements:

Space Segment High.
 Space Segment Low (Space and Missile Tracking Sys-

ized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System: (d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts author-

(1) \$265,744,000 for demonstration and validation, of which \$249,824,000 shall be available for the Space and Mis-

sile Tracking System. (2) \$162,219,000 for engineering and manufacturing development, of which \$9,400,000 shall be available for the Minature Sensor Technology Integration program.

#### Report Language Page 715-717

retary of Defense to provide a report to the congressional defense committees on the SBIRS program baseline not later than 60 days The provision adopted by the conferees would require the Secafter the enactment of this Act.

The conference provision would also establish the following program elements for the SBIRS program:

(1) Space Segment High

(2) Space Segment Low (SMTS); and (3) Ground Segment.

theater missile defenses. The conferees understand that the Air Force has defined this IOC as consisting of 12-18 satellites. The The conference provision requires the SBIRS baseline to include an SMTS IOC by fiscal year 2003 to support national and conferees urge the Air Force to make every effort to achieve an 18 satellite IOC by fiscal year 2003.

ponents. The conferees endorse the schedule that the Air Force has established for the SBIRS High components. The SBIRS program should feature complementary and mutually supportive elements that do not include excessive technical and functional redundancy. In accelerating the SMTS program, it is not the conferees' intent to reduce the priority and importance of the SBIRS High com-

sor system capable of fulfilling missions such as technical intelligence and battlespace characterization, the conferees direct the Air Force to ensure that the SMTS Flight Demonstration System FDS) and Block I system be designed primarily to satisfy the mistional ballistic missile defense should not be allowed to add signifi-Although SMTS can, over time, become a multi-functional sensile defense mission. Missions not related to theater and/or naciated with an accelerated schedule while contributing to overall afscaled-down approach will ameliorate the technical challenges assocant cost, weight or delay to the SMTS FDS or Block I system. ordability.

_
CONT
Z
0
<u>ပ</u>
SYSTEM (SBIR)
$\overline{\mathbf{m}}$
$\overline{\mathbf{o}}$
Ü
5
⊏
່ເກ
ج
S
$\overline{}$
님
7
۲
$\gtrsim$
H
芦
面
ഗ
BAS
m
끴
SPACE-
Ā
Ü
(J)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

### Statutory Language

Page 37-38

#### Report Language Page 715-717

autherized sufficient funds in fiscal year 1996 to commence these equipped with long-wave infrared sensors. The conferees endorse the design characteristics specified in the Senate report (S. Rept. 104-112) regarding the objective SMTS system. The conferees have To support this schedule and missile defense focus, the conferees direct the Secretary of Defense to commence SMTS pre-engineering and manufacturing development (EMD) activities in fiscal year 1996 and to ensure that the FDS and Block I satellites are

activities and to prepare the way for a fiscal year 1998 FDS launch

Over time, as the Air Force gains operational experience with the High and Low Block I systems, it is likely that SMTS will be able to assume a much larger share of the SBIRS requirements fense to initiate technical and cost trade studies among the SBIRS burden. In the meantime, the conferees urge the Secretary of Dospace systems and include any preliminary findings and recommendations in the SBIRS baseline report.

onstration/validation (Dem/Val), \$152.2 million for EMD, and \$19.9 million for procurement. Of the funds requested for Dem/Val, \$114.8 million was for SMTS. The conferees agree on the following The budget request for SBIRS included \$130.7 million for demauthorizations:

(1) \$265.7 million in PE 63441F for SBIRS Dem/Val, of which \$249.8 million is for SMTS; and (2) \$162.2 million in PE 64441F for SBIRS EMD, of which \$9.4 million is for the Miniature Sensor Technology Integration

(MSTI) program.

The conferees are aware of a recent proposal to increase competition and reduce risk in the SMTS program through a low-cost flight experiment. The conferees direct the Air Force and BMDO to carefully assess the merits of this concept and to include their joint findings and recommendations in the SBIRS baseline report. * * *

	tio		
	Conference Report on FY96 DOD Authorizati S. 1124; H.Rept. 104-450 (1/22/96)		
	6 0		,
	ence Report on FY96 DOD Autho S. 1124; H.Rept. 104-450 (1/22/96		
	<b>7</b> 8		
	$a = \cdot$		
	200	٠	
Z	9 7		
0	623		
S	Щ .		
(	LO da	,	
7	T Ø		٠
8	QT '		
S	24.		
) V	0 7	9	
	2	uag	
F	976	ıng	
S	nfe	7	<u>&amp;</u>
(C)	Ō	TO	e 7
$\sim$	)	Report Language	Page 718
Ш			
R			
X	lor		
F	at		
Z	riz (		ı
	) 96		
(SASED INFRARED SYSTEM (SBIR) (CONT)	OD Authorization (0 (1/22/96)		
S	4 C	•	
A	100		
<del>m</del>	<b>D</b> 25		
	96		
兴	E F		
SPACED-B	E td		
6	4 c 3e		
S	ΘΞ		
	er 4;		
	12.	ge	
	ž T	na	
	Conference Report on FY96 Dt S. 1124; H.Rept. 104-45	ang	
	<u>fe</u>	L	
-	lo O	101	
		=	431
	U	딀	Ĕ
		Statutory Language	None

	Page 718
٠	the
	thorized for SMTS in fiscal year 1996 to begin a low-cost flight ex-
	periment.
	ing sorgement on the acquisition management relationship for exe-
	cution of the SMTS program. In light of the Memorandum of
*	Agreement between the Air Force Acquisition Executive and the
	Director of BMDO, the Senate recedes on its language dealing with
	management oversight of the SMTS program. As with all aspects
	of the SMTS program, however, the conferees will continue to mon-
	itor management oversight with great interest. If the present man-
	agement structure does not fulfill the expectations of the conferees,
	or lead to implementation of the guidance provided above, the con-
	ferees will reconsider transferring SMTS back to BMDO.

SPACE-BASED INFRARED SYSTEM (SBIR)	Senate FY96 DoD Appropriation Bill, S. 1087; Sen. Rept. 104-124 (7/28/95).	Bill Language None	Report Language Page 175	mittee adds \$135,000,000 to the budget request to accelerate development of the space and missile tracking system [SMTS], formerly known as brilliant eyes. The additional funds provided for the SMTS program shall be used only to accelerate the existing SMTS program under the auspices of the recent competitively awarded		
	House FY96 DoD Appropriation Bill H.R. 2126; H. Rept. 104-208 (7/27/95)	Bill Language None	Report Language Page 158-159	SPACE BASED INFRARED ARCHITECTURE (SBIR)  The Department requested \$130,744,000 for Space Based Infracrease of \$100,000,000 only for the Space and Missile Tracking System (SMTS).		

3) (Cont)	Conference Report on FY96 DoD Appropriations
RED SYSTEM (SBIF	Conference Report
SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)	FY96 DoD Appropriations
S	Conference Report on

ست رست سند رسند الدور فيند وسيد مسيد والتقويم ومن ويتوسط والمراجي والتقويم

H.R. 2126; H. Rept. 104-344 (11/15/95)

Statutory Language None

#### Report Language Page 112

H.R. 2126; H. Rept. 104-344 (11/15/95)

## SPACE BASED INFRARED ARCHITECTURE—DEM/VAL

The conferees agree to provide \$265,744,000 for the demonstration/validation stage of the space based infrared architecture program, an increase of \$135,000,000 to the budget request. The conferees have agreed to provide the additional \$135,000,000 to accelerate development of the space missile tracking system (SMTS), formerly known as Brilliant Eyes. The additional funds provided for the program shall be used only for efforts identified jointly by both the Ballistic Missile Defense Organization and the Air Force to accelerate the deployment of SMTS.

# HIGH ENERGY LASER TEST FACILITY (HELSTF)

## HIGH ENERGY LASER TEST FACILITY (HELSTF)

Senate FY96 DoD Authorization Bil H.R. 1530; H. Rept. 104-131 (6/1/95) House FY96 DoD Authorization Bill

S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language None Report Language Page 137 Free electron laser

Agency evaluate continuous wave, superconducting radio frequency free electron laser (FEL) technology for defense utility and potential for dual use program funding. The Director, Advanced Research Projects Agency shall report his findings and recommendations to the congressional defense committees no later than March The committee directs that the Advanced Research Projects

Report Language Page 136

Bill Language

None

High Energy Laser Systems Test Facility

The committee continues to support the operation of the High Energy Laser Systems Test Facility (HELSTF) as the central test facility to support the nation's high energy laser development. The committee is disappointed with the \$3.0 million request for HELSTF, which would be insufficient to carry out the current cording to Army documents. The committee does not agree with the plan to terminate MIRACL, particularly when constraints on testing the laser against objects in space will not be imposed in fiscal year 1996, and the full potential of the facility can be realized for the first time. The committee therefore has added \$21.8 million to the request for this facility. Laser (MIRACL), but continue the operation of the rest of the facility. That plan would require \$19.6 million in fiscal year 1996 ac-Army plan to terminate the Mid-Infrared Advanced Chemical

FACILITY (HELSTF) (CONT)	Conference Report on FY96 DOD Authorization S, 1124; H.Rept. 104-450 (1/22/96)	t Language
╽╙╴	Cor	None
HIGH ENERGY LASER TEST	Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)	Statutory Language None

T FACILITY (HELSTF) (Cont)  Conference Report on FY96 DoD Appropriations H.R 2126: H. Rept. 104-344 (11/15/95)	Report Language None		
Conference Report on FY 96 DoD Appropriations	Statutory Language None		